

**CITY OF SANTA BARBARA
CITY COUNCIL**

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Mayor

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Mayor Pro Tempore

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Ordinance Committee Chair

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Finance Committee Chair

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Paul Casey
City Administrator

Ariel Pierre Calonne
City Attorney

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**SEPTEMBER 29, 2020, 2:00 PM
AGENDA**

IN ORDER TO PROMOTE SOCIAL DISTANCING AND PRIORITIZE THE PUBLIC'S HEALTH AND WELL-BEING, THE GOVERNOR OF THE STATE OF CALIFORNIA ISSUED EXECUTIVE ORDER N-29-20, WHICH ALLOWS THE CITY COUNCIL TO HOLD MEETINGS VIA TELECONFERENCES OR OTHER ELECTRONIC MEETING FORMAT WHILE STILL MEETING THE STATE'S OPEN AND PUBLIC MEETING REQUIREMENTS. AS A PUBLIC HEALTH AND SAFETY PRECAUTION, THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE GENERAL PUBLIC. COUNCILMEMBERS MAY PARTICIPATE ELECTRONICALLY. THE CITY OF SANTA BARBARA STRONGLY ENCOURAGES AND WELCOMES PUBLIC PARTICIPATION DURING THIS TIME. PUBLIC PARTICIPATION IS AVAILABLE THROUGH THE FOLLOWING OPTIONS:

TELEVISION COVERAGE: Each regular City Council meeting is broadcast live in English and Spanish on City TV Channel 18 and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.santabarbaraca.gov/citytv for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ONLINE STREAMING: Council meetings are streamed live at www.SantaBarbaraCA.gov/CAP

ELECTRONIC PARTICIPATION: Join Meeting Electronically at:
<https://attendee.gotowebinar.com/register/6086796724273038861>

WEBINAR ID: 855-825-363

To register, please use the Chrome, Firefox, or Safari browsers for the meeting. The Internet Explorer browser is not supported by the software.

After registering, you will receive a confirmation email containing information about joining the webinar. You will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended. You can also select the option to use your telephone, but you must use the Go To Webinar software to interact with the meeting. Select "Use Telephone" after joining the webinar in order to use your telephone.

Oral comments during a meeting may be made by electronic participation only.

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WRITTEN PUBLIC COMMENT: Public comments may also be submitted via email to Clerk@SantaBarbaraCA.gov prior to the beginning of the Council Meeting. All public comments submitted via email will be provided to City Council and will become part of the public record.

CONTINUED ON THE NEXT PAGE

PUBLIC COMMENT: Public comment on matters not listed on the agenda will occur at the beginning of the meeting. Members of the public wishing to speak must “raise their hand” in the GoToWebinar platform by selecting the virtual hand icon during the presentation of that item. When persons are called on to speak, their microphone will be activated by City staff and the speaker will be notified that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

For those who need accessibility accommodation in using the “raise hand” function and/or registering to participate in the GoToWebinar session, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated the speaker will be notified by City staff that they can now unmute themselves in order to begin speaking. The speaker will then need to unmute themselves by selecting the ‘mute/unmute’ icon or pressing Ctrl+Alt+A on their keyboard.

Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not allowed during general public comment. The time allotted for general public comment at the beginning of the 2:00 p.m. session is 30 minutes. The City Council, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond the City’s subject matter jurisdiction.

PUBLIC COMMENT ON AGENDIZED ITEMS: Members of the public wishing to speak on a matter on the agenda must “raise their hand” in the GoToWebinar platform by selecting the virtual hand icon during the presentation of that item. The “raise hand” icon is generally located on most devices in the upper right hand corner of the screen. For those who need accessibility accommodation in using the “raise hand” function, please contact the Clerk’s office by 5:00 p.m. the day before the meeting for assistance. Additionally, a speaker may email Clerk@SantaBarbaraCA.gov by 5:00 p.m. the day before a meeting, stating which item they wish to speak on. When persons are called on to speak, their microphone will be activated and they will be notified to begin speaking. Each speaker will be given a total of 3 minutes to address the Council. Pooling of time is not permitted during meetings conducted electronically.

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council meeting begins at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review at <http://www.SantaBarbaraCA.gov/CAP>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a “CAR”) online at the City’s website (<http://www.SantaBarbaraCA.gov/CAP>). Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are posted to the City’s website as soon as reasonably feasible.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the City Council. A Consent Calendar item is open for discussion by the City Council upon request of a Councilmember, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your “Request to Speak” form, you should come forward to speak at the time the Council considers the Consent Calendar.

SPANISH INTERPRETATION: If you need interpretation of your communications to Council from Spanish into English, please contact the City Clerk’s Office at 564-5309 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification of at least 48 hours will usually enable the City to make arrangements.

INTERPRETACIÓN EN ESPAÑOL: Si necesita una interpretación del español al inglés, para sus comunicaciones al Consejo, comuníquese con la Oficina del Secretario Municipal al 564-5309, o por correo electrónico a Clerk@SantaBarbaraCA.gov. Si es posible, la notificación de al menos 48 horas generalmente permitirá a la Ciudad hacer los arreglos.

AMERICANS WITH DISABILITIES ACT: If you need auxiliary aids or services or staff assistance to attend or participate in this meeting, please contact the City Administrator’s Office at 564-5305 or by email at Clerk@SantaBarbaraCA.gov. If possible, notification at least 48 hours prior to the meeting will usually enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

SEPTEMBER 29, 2020 AGENDA

ORDER OF BUSINESS

12:00 p.m. - Special Ordinance Committee Meeting, Council Chamber

ELECTRONIC PARTICIPATION: Join Meeting Electronically at:
<https://attendee.gotowebinar.com/register/6878447296480026127>

WEBINAR ID:
167-018-515

2:00 p.m. - City Council Meeting

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 P.M. IN THE COUNCIL CHAMBER (120.03)

Subject: Zoning Ordinance Amendments For Accessory Dwelling Units (120.03)

Recommendation: That Ordinance Committee review and consider recommending that City Council adopt amendments to the Inland Zoning Ordinance (Santa Barbara Municipal Code Title 30) and Coastal Zoning Ordinance (Santa Barbara Municipal Code Title 28) for Accessory Dwelling Units.

REGULAR CITY COUNCIL MEETING – 2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

1. Subject: Adoption Of CEQA Guidelines Ordinance (630.02)

Recommendation: That Council adopt, by reading of title only, an Ordinance of the Council of the City of Santa Barbara Amending Title 22 of the Santa Barbara Municipal Code by the Addition of Chapter 22.100 Relating to Environmental Review.

2. Subject: Adoption Of A Resolution Delegating Authority To The City Administrator To Make Determinations Of Disability Status For CalPERS Disability Retirement (350.01)

Recommendation: That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Delegating Authority to the City Administrator to Make Determinations Regarding Disability Retirement and for the Filing of Employer-Originated Disability Applications to the California Public Employees' Retirement System (CalPERS), and to Make Determinations on Industrial Disability Retirement for Safety Employees Either Initiated by the Safety Employee or the City.

3. Subject: August 2020 Investment Report (260.02)

Recommendation: That Council accept the August 2020 Investment Report.

4. Subject: Approval Of Banking Services (210.03)

Recommendation: That Council approve the Third Amendment to Agreement No. 25,036 with MUFG Union Bank for banking services, executing a 14-month extension, with an option to extend the agreement for two, one-year periods, at a cost estimated at \$6,500 per month.

CONSENT CALENDAR (CONT'D)

5. Subject: Annual Contract With The Santa Barbara County Office Of Arts And Culture And Grant Funding Strategy (150.04)

Recommendation: That Council:

- A. Authorize the City Administrator to execute an agreement with the Santa Barbara County Office of Arts and Culture in the amount of \$436,090, including \$274,590 of funds to be regranted, as approved in the Fiscal Year 2020-2021 budget; and
- B. Review and approve the grant funding strategy for the Community Arts, Organizational Development, and Community Events & Festivals programs for \$274,590 in grant funding for Fiscal Year 2020-2021.

6. Subject: Contract For Design Of Waterfront Ice House Refurbishment (570.03)

Recommendation: That Council authorize the Waterfront Director to execute a Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc. (KBZ) in the amount of \$52,425 for design services and completion of construction drawings for the refurbishment of the Waterfront Ice House equipment, and authorize the Waterfront Director to approve expenditures of up to \$5,240 for extra services that may result from necessary changes in the scope of work.

This concludes the Consent Calendar.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

CITY ADMINISTRATOR

7. Subject: Community Formation Commission Extension Of Application Deadline (140.05)

Recommendation: That Council extend the application deadline for the Community Formation Commission from October 30, 2020 to December 4, 2020.

8. Subject: Request From The Barbareño Chumash Tribal Council To Rename Indio Muerto Street To Hutash Street (530.04)

Recommendation: That Council:

- A. Consider the request from the Barbareño Chumash Tribal Council to rename Indio Muerto Street to Hutash Street; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Renaming All of Indio Muerto Street Between South Salinas Street and South Milpas Street to Hutash Street.

9. Subject: Update On City's Economic Development Efforts (650.11)

Recommendation: That Council review and comment on the City's economic development efforts in response to the COVID-19 pandemic and preparation of the City's Economic Development Strategic Plan.

SUSTAINABILITY & RESILIENCE DEPARTMENT

10. Subject: Climate Action Plan Update And Resolution To Adopt Greenhouse Gas Emissions-Reduction Target (530.01)

Recommendation: That Council:

- A. Receive an update on the City's Climate Action Plan; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting a Goal of Carbon Neutrality for the Santa Barbara Community by 2035.

PUBLIC WORKS DEPARTMENT

11. Subject: Automated License Plate Recognition Policy For City Operated Off-Street Parking Facilities (550.01)

Recommendation: That Council approve a policy that governs the use of Automated License Plate Recognition systems for the management of off-street parking operations in City facilities.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

PUBLIC COMMENT (IF NECESSARY)

ADJOURNMENT

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

SPECIAL MEETING AGENDA

DATE: September 29, 2020
TIME: 12:00 p.m.
PLACE: Council Chambers

Oscar Gutierrez, Chair
Mike Jordan
Kristen Sneddon

Office of the City
Administrator

Office of the City
Attorney

Nicole Grisanti
Supervisor, City Administrator's Office

Ariel Pierre Calonne
City Attorney

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ITEMS FOR CONSIDERATION

Subject: Zoning Ordinance Amendments For Accessory Dwelling Units

Recommendation: That Ordinance Committee review and consider recommending that City Council adopt amendments to the Inland Zoning Ordinance (Santa Barbara Municipal Code Title 30) and Coastal Zoning Ordinance (Santa Barbara Municipal Code Title 28) for Accessory Dwelling Units.

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CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: September 29, 2020

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Zoning Ordinance Amendments For Accessory Dwelling Units

RECOMMENDATION:

That Ordinance Committee review and consider recommending that City Council adopt amendments to the Inland Zoning Ordinance (Santa Barbara Municipal Code Title 30) and Coastal Zoning Ordinance (Santa Barbara Municipal Code Title 28) for Accessory Dwelling Units.

EXECUTIVE SUMMARY:

The Accessory Dwelling Unit (ADU) Ordinance (Title 30, Section 30.185.040) was adopted in 2018. On January 1, 2020, state law came into effect that further facilitated new ADUs and Junior ADUs (JADUs), necessitating amendments to the City's ADU Ordinance. An Interim Urgency Ordinance for Title 30 was adopted in December 2019 and extended in January 2020 that would expire in December 2020. The proposed Title 30 amendments would replace the Interim Urgency Ordinance. Amendments to the Coastal Zoning Ordinance, Title 28 (new Chapter 28.86), to adopt Accessory Dwelling Unit regulations are also proposed for the Coastal Zone, similar to those proposed for Title 30. In addition to amendments required for compliance with state law, there are several policy decisions for discussion, which could result in additional amendments prior to City Council introduction.

DISCUSSION:

The amendments are proposed for both the Inland Zoning Ordinance, Title 30 Section 30.185.040 Accessory Dwelling Units (Attachment 1) and the Coastal Zoning Ordinance. New Santa Barbara Municipal Code (SBMC) Chapter 28.86 (Attachment 2) would replace existing SBMC section 28.94.030 to address ADUs in the Coastal Zone.

For consistency throughout the City, the Coastal Zoning Ordinance amendments mirror the Inland Zoning Ordinance amendments as much as possible, and include additional

provisions to protect coastal resources consistent with the policies of the City's 2019 Coastal Land Use Plan (LUP). After adoption by City Council, the Title 28 amendments will be submitted to the California Coastal Commission (CCC) for review and certification. Once certified by the CCC, with the exception of specific coastal permitting and resource protection provisions, the City would have consistent development standards in the inland and coastal areas for reviewing and approving ADU and JADU projects.

Interim Urgency Ordinance

City Council adopted an Interim Urgency Ordinance (Interim Ordinance) in December 2019 due to the short time allowed to respond to significant changes in state ADU laws that would have rendered the City's ordinance null and void in January 2020. Because an Interim Urgency Ordinance is only effective for 45 days, in January 2020, City Council adopted an extension to the Interim Ordinance until December 17, 2020. The Interim Ordinance:

- Temporarily prohibits ADUs and JADUs in the Foothill and Extreme Foothill High Fire Hazard Areas; and
- Prohibits ADUs on a property containing, or immediately adjacent to, a historic resource if it might result in a substantial adverse change in the significance of that resource.

ADU and JADU permit applications not subject to these Interim Ordinance prohibitions are currently reviewed for compliance with state law and applicable local municipal code standards.

Ordinance Amendments

The proposed Title 30 and Title 28 ADU ordinances are a combination of amendments to comply with the new state laws for ADUs and JADUs (Government Code Sections 65852.2 and 65852.22), amendments based on staff's experience, and sections of the 2018 ordinance that staff recommends retaining due to their effectiveness.

One of the more significant amendments driven by the new state legislation includes density increases and certain exemptions from local development standards for specific types of ADUs, termed "Special" ADUs in the draft ordinance amendments to distinguish them from "Standard" ADUs that the City has been regularly permitting over the past few years. Generally, Special ADUs are allowed everywhere in the City, regardless of local conditions. In contrast, the City exercises discretion in areas where Standard ADUs may be permitted and can impose certain development standards that do not apply to Special ADUs, such as retention of open yard for the primary unit¹ and floor area maximums for accessory buildings. State law changes also resulted in amendments to the maximum size standards for Standard ADUs. These include:

¹ As adopted in 2018, the minimum area, dimension, and location of open yard can be reduced to construct a Standard ADU.

- Attached ADUs were formerly limited to a maximum size of 1,200 square feet but are now limited to 50 percent of the size of the existing primary residential unit;
- Maximum size for detached ADUs is based on a sliding scale of unit size to lot size, resulting in a maximum size range of 600 square feet to 1,200 square feet. State law now requires the City to allow at least an 850-square-foot detached ADU, which necessitated amending the sliding scale to allow a larger unit on smaller lot sizes (i.e., the ADU size range is now 850 square feet to 1,200 square feet).

As reflected in the ordinance amendments, Table 1 summarizes the main differences between these two categories of ADUs.

Table 1: Summary of Standard and Special ADU Differences

	Standard ADU	Special ADU
Number Allowed per Lot	One ADU or one JADU allowed per single- or multi-unit dwelling	<ul style="list-style-type: none"> • One ADU and one JADU allowed per single-unit dwelling • Two detached ADUs allowed per multi-unit dwelling or • Conversion of space not used as living space of up to 25 percent of the number of existing units allowed per multi-unit dwelling
Configuration	<ul style="list-style-type: none"> • Conversion • Detached • Attached 	<ul style="list-style-type: none"> • Conversion • Detached
Maximum Size of ADU	Conversion: no size maximum Detached: 850 to 1,200 sq. ft. depending on lot size Attached: 50 percent of the existing primary unit	Conversion: no size maximum Detached: 800 sq. ft. Attached: Not applicable
Height Maximum	Existing unit height or 17 feet ² (except above a garage)	16 feet
Development Standards	Subject to open yard (for the primary unit) and total maximum floor area for accessory buildings	Exempt from lot coverage and similar floor area limitations

Other significant changes in state law that apply to all ADUs and JADUs include the following:

² An applicant can request discretionary review to permit a taller ADU.

- Reduced permit processing time for a complete application from 120 days to 60 days;
- Expanded allowed conversions of space to JADUs to include any room of a proposed or existing single residential unit, including an attached garage;
- Eliminated requirement that primary unit parking be replaced if the garage is converted to an ADU;
- Reduced required interior setbacks to a maximum of four feet (existing City interior setbacks range from five to 15 feet);
- Prohibited owner-occupancy requirements on applications submitted after January 1, 2020, until December 31, 2025 (except for JADUs, which still require owner-occupancy).

Further amendments to Title 30 and Title 28 are proposed based on staff experience reviewing ADU permit applications and common constraints that, if relieved or removed, would allow for more ADU construction. These include:

- Allowing existing buildings that are nonconforming to current setbacks to be converted to ADUs and allowing conforming additions to those buildings;
- Allowing demolition of nonconforming buildings and rebuilding as an ADU in the same location and dimensions, plus a conforming 150-square-foot addition; and
- Allowing demolition and rebuild of an existing nonconforming garage in the same location and a new ADU above. This provision allows the garage to expand to meet current garage size requirements as long as the expansion conforms to current setbacks. The new ADU above must also conform to current setbacks.

Staff recommends retaining these key portions of the 2018 ordinance:

- Architectural design criteria, which are part of administrative staff approval as a ministerial action without design board review;
- Protection of historic resources, which is also part of administrative staff approval and conducted to ensure proposed ADUs do not cause a substantial adverse change to the significance of listed historic resources;
- Open yard reductions, which provides flexibility for applicants proposing Standard ADUs; and
- Fire hazard area standards, which provide additional structural and other protections for ADUs permitted in high fire hazard areas.

Prior to the Planning Commission hearing on the draft ordinance amendments, staff provided the draft amendments for a courtesy review to the California Coastal Commission (CCC) and State Department of Housing and Community Development (HCD). Written and verbal input was received from CCC and HCD staff and incorporated into the attached Title 30 and Title 28 amendments.

Further Discussion and Planning Commission's Recommendations

Several policy decisions were discussed extensively in 2018 with adoption of the City's ADU ordinance and in late 2019 with adoption of the Interim Ordinance. The Planning Commission held an initial hearing on the ADU ordinance amendments on August 6, 2020, and continued the matter to September 3, 2020. The hearing of September 3 included straw poll votes on several topics. Following is more information on those topics and the results of the straw poll votes for further deliberation of the Ordinance Committee and City Council.

Owner Occupancy

Requiring owner occupancy of either the ADU or primary unit was a much-discussed topic of the City's 2018 ordinance amendment. At the time, state law allowed local jurisdictions to require owner occupancy as an option, except for projects with a JADU, which are required to be owner occupied by state law. Ultimately, City Council adopted an owner-occupancy requirement of either the primary unit or ADU in the Residential Single Unit (RS) Zones only. The original intent of the owner-occupancy requirement was to protect neighborhood stability, discourage speculation and absentee ownership, and provide a safeguard to nuisance behavior.

The 2020 state law amendments eliminated local jurisdictions' discretion to require owner occupancy for applications submitted after January 1, 2020, and until January 1, 2025. Thus, since January 1, 2020, ADU applications in RS Zones (Single Unit Residential) and all other zones where ADUs are allowed, have required a recorded covenant for sale and rental terms, but not for owner occupancy. Prior to the change in state law, approximately 340 ADUs were either constructed/permitted or in the review process with an owner-occupancy requirement.

Two separate aspects of owner occupancy were discussed by the Planning Commission: 1) whether to release owners of the provision requiring owner occupancy in existing recorded covenants; and 2) whether to eliminate the owner-occupancy requirement permanently rather than the five-year period provided in state law.

A number of public comments expressed equity concerns in retaining the owner-occupancy requirement for past permitted ADUs while new ADUs are exempt from the requirement. There were also questions about the equity of reverting back to an owner-occupancy requirement in 2025 allowed by state law. Some commissioners were in favor of evaluating the results on neighborhoods with no owner-occupancy requirement for five years and revisiting the decision at a later date. Planning Commission's straw poll votes on two options for owner occupancy was as follows:

1. Recommend releasing prior owner-occupancy covenant restrictions on the request of the property owner (passed with a 7/0 vote).
2. Recommend amending the ordinance to permanently eliminate the owner-occupancy requirement (failed with a 3/4 vote).

High Fire Hazard Areas

Regulating ADUs in High Fire Hazard Areas (HFHAs) was one of the main topics of the 2018 ordinance amendments. Staff initially recommended prohibiting ADUs in the Extreme Foothill and Foothill HFHA based on General Plan policies to limit development in hazardous areas. Ultimately, City Council adopted a strategic approach, and instead of an outright prohibition, allowed JADUs in all HFHAs and prohibited ADUs in the Extreme Foothill HFHA.

The main concern with the addition of ADUs/JADUs in fire-prone neighborhoods is the increased number of people and cars needing to evacuate in an emergency situation, often on narrow, winding roads. Factors associated with evacuation, such as human behavior, population density, overloaded transportation routes, visitors, vulnerable populations, as well as the evacuation of pets and large animals, make the task of any evacuation more complex. Any combination of these factors may significantly increase the amount of time it takes to execute an evacuation.

Despite these concerns, state law for ADUs now requires ministerial approval of certain types of ADUs (i.e., Special ADUs) everywhere, regardless of local conditions. In order to balance the provisions of state law with the prior ADU ordinance standards for HFHAs and General Plan policies that call for certain limits on development in fire hazard areas, staff recommended the following for high fire hazard areas:

1. Allow Special ADUs and JADUs in all fire hazard areas (as required by state law).
2. Prohibit Standard ADUs in the Foothill (with approximately 3,694 existing single and multiple residential units) and Extreme Foothill (with approximately 104 existing single residential units) High Fire Hazard Areas³.

In practice, this would allow property owners in all HFHAs to propose a Special ADU, which includes a detached ADU up to 800 square feet in size; conversion of an existing accessory structure with no size or height limitations; a JADU and a detached ADU on a lot with an existing or proposed single-unit dwelling; or multiple ADUs on a lot with existing multi-unit dwellings. Standard ADUs (i.e., detached ADUs over 800 square feet up to 1,200 square feet in size and attached ADUs) would be prohibited in the Foothill and Extreme Foothill HFHAs. Furthermore, both Special and Standard new construction ADUs in HFHAs are required to comply with fire hazard area standards that include meeting high-fire construction and defensible space standards and certain parking restrictions. Staff recommends this approach as the only option available per state law to provide some local control in HFHAs where larger units with more bedrooms may result in more people and cars needing to evacuate particularly challenging areas in an emergency.

³ The City's draft update to the Community Wildfire Protection Plan is proposing to merge these two areas and rename them the Very High Fire Hazard Severity Zone, consistent with state nomenclature. Thus, there is no practical way to distinguish them as two different fire hazard zones moving forward.

The Planning Commission expressed concerns with staff's recommendation to limit certain types of ADUs in the Foothill and Extreme Foothill HFHAs by noting inconsistencies in policy that allows all other types of development (i.e., additions, new homes, and demolition/rebuilds) in the HFHAs. The Planning Commission's straw poll vote to allow all types of ADUs in HFHAs (i.e., Special and Standard ADUs) passed (with a vote of 5/2).

Posted Sign

In 2018, City Council expressed concern about the ministerial approval process for ADUs and neighborhood compatibility, noting that there was no way to notify neighbors of a pending application. Therefore, the existing ordinance requires that a sign be posted on site within five calendar days after submittal of the initial building permit for an ADU. The intent of the sign was to notify the public of a pending ADU application and allow an interested party to direct questions or concerns to the project applicant. The Planning Commission questioned the appropriateness of a posted sign as it could provide a false impression that there is a public hearing process for ADU permits; however, the current sign explicitly states that there is no public hearing for the project. The Planning Commission's straw poll vote to remove the posted sign requirement passed (with a vote of 5/2).

If City Council wants to retain the posted sign requirement, staff recommends revising the sign language to notify neighbors that they can submit a Public Records Act request to view pending ADU plans. Another option is to require applicants to provide a mailed or hand-delivered notice, similar to what is required for Single Family Design Board projects, to notify neighbors and provide an early opportunity to discuss proposed projects.

Mixed-Use Buildings Conversion of Nonresidential Space to ADUs

State law allows multiple ADUs within portions of existing multi-unit dwellings by converting areas not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages. While these conversions are allowed in residential and mixed-use zone districts, state law is silent on conversions of nonresidential components of mixed-use buildings to ADUs. This concept was first suggested by members of the American Institute of Architects and discussed at both the August 6 and September 3, 2020, Planning Commission hearings. Conversions of commercial space to housing might be appropriate in some areas of the City; however, staff recommends considering this concept in a broader context with other multi-unit housing development standards currently underway or with an update to the Housing Element in order to consider the best locations and appropriate standards for such conversions (e.g., maximum unit sizes and retention of some ground floor commercial use). The Planning Commission agreed with staff's recommendation and passed the straw poll vote (7/0) to conceptually allow conversion of nonresidential space in a mixed-use building to ADUs upon further study.

Next Steps

Following Ordinance Committee review of the draft ADU ordinance amendments and associated recommendation to City Council, Title 30 and Title 28 amendments will be presented to City Council for introduction and adoption. The Title 30 amendments are effective 30 days after adoption. For applicants who have submitted an ADU application but have not yet been issued a building permit by the effective date of the new ordinance, staff recommends a 60-day time limit from the effective date of the new ordinance for applicants to choose to either continue ADU application review under state law regulations or to apply the new regulations.

The Title 28 amendments are not effective until after certification by the California Coastal Commission (CCC). Following adoption, Title 28 amendments will be submitted as a Local Coastal Program Amendment to the CCC. The CCC staff will review the submittal and determine if it is a minor (*de minimis*) amendment or requires a public hearing. Similar to Title 30, applicants who have submitted an ADU application but not been issued a building permit, staff recommends a 60-day time limit from the effective date of the new ordinance (i.e. certification by the CCC) for applicants to choose to either continue ADU application review under state law regulations or to apply the new regulations. As required by state law, the adopted Title 30 and Title 28 amendments will also be submitted to the Department of Housing and Community Development for review within 60 days after adoption.

ENVIRONMENTAL REVIEW:

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65252.2 and 65852.22 of the Government Code, which is the state Accessory Dwelling Unit law.

ATTACHMENTS:

1. Proposed Amendments to SBMC Title 30 Related to Accessory Dwelling Units
2. Proposed Amendments to SBMC Title 28 Related to Accessory Dwelling Units

PREPARED BY: Rosie Dyste, Project Planner

SUBMITTED BY: Rebecca Bjork, Interim Community Development Director

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE SANTA BARBARA
MUNICIPAL CODE BY AMENDING CHAPTER 30.185
AND SECTION 30.295.020 TO REGULATE
ACCESSORY DWELLING UNITS IN THE NON-
COASTAL ZONE OF THE CITY

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION 1. Chapter 30.185 of Title 30 of the Santa Barbara Municipal Code is
amended to read as follows:

30.185.040 Accessory Dwelling Units

Accessory dwelling units and junior accessory dwelling units shall be located, developed, and
occupied subject to the following provisions:

A. **Purpose.** The purpose of this section is to:

1. Expand opportunities in the City to create additional housing to suit the spectrum
of individual lifestyles and space needs, allow more efficient use of existing
housing stock and public infrastructure, and provide a range of housing
opportunities.
2. Allow accessory dwelling units or junior accessory dwelling units as an accessory
use to ~~single~~ a primary residential units, consistent with California Government
Code Section 65852.2 or 65852.22, as applicable.
3. Promote accessory dwelling units or junior accessory dwelling units with high-
quality designs that are compatible with the surrounding neighborhood, historic
resources, and historic districts; preserve the City's visual resources; promote long-
term sustainability; and contribute to a desirable living environment.

B. **Definitions.** For the purposes of this section, the following words and phrases shall have
the following meanings:

1. ***Accessory Dwelling Unit.*** An attached or a detached residential unit ~~which that~~
provides complete independent living facilities for one or more persons ~~and is~~
located on a lot with a proposed or existing primary residential unit. It shall include
permanent provisions for living, sleeping, eating, cooking, and sanitation and be
located on the same parcel ~~as that~~ the ~~single primary~~ residential unit is ~~or will be~~

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situated. The following categories of accessory dwelling units are subject to specific development standards:

- a. **Special Accessory Dwelling Unit.** These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in subsection V. Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.
- b. **Standard Accessory Dwelling Unit.** These are typically larger accessory dwelling units with size, height, and setback standards generally described in subsection G. Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

An accessory dwelling unit also includes the following:

- a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Efficiency Kitchen.** A kitchen that includes at a minimum:
 - a. Appliances for cooking food and refrigeration, either built-in or countertop.
 - b. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
 - c. A food preparation counter.
 3. **Existing Floor Area.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.
 4. **Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.
 5. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 - ~~2-6.~~ **Primary Residential Unit.** The existing or proposed ~~single~~ residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one of the residential housing types described in Section 30.295.020.A (i.e., single-unit residential, two-unit residential, multi-unit residential) or mixed-use development.

~~3.7.~~ ***Principal Place of Residence.*** The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one “principal place of residence,” and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is ~~his or her~~ the property owner’s principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as ~~a his, her, or their~~ a his, her, or their principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

~~4. — ***Passageway.*** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~5. — ***Junior Accessory Dwelling Unit.*** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing single residential unit. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing single residential unit.~~

~~**C. Located on a Lot Developed with a Single Residential Unit.**~~

~~An accessory dwelling unit or junior accessory dwelling unit shall only be permitted on a lot that is developed with one single residential unit or in conjunction with the construction of a single residential unit.~~

~~**D. Prohibited on a Lot Developed with Additional Residential Units.** An accessory dwelling unit or junior accessory dwelling unit shall be prohibited on a lot developed with more than one residential unit, including, but not limited to, an additional residential unit, approved under Section 30.185.050, Additional Residential Unit, or a caretaker unit, approved under Section 30.185.120, Caretaker Unit, or similar use, or on a lot developed, or proposed to be developed, with additional detached livable floor area greater than 500 square feet.~~

C. Where Permitted.

- ~~1. ***Accessory Dwelling Unit.*** An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.~~
- ~~2. ***Junior Accessory Dwelling Unit.*** A junior accessory dwelling unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit.~~

3. **Prohibited Locations.** No standard accessory dwelling unit shall be permitted on a lot located within the Fire Hazard Area (Extreme Foothill and Foothill), or as may be subsequently retitled in the future as the “Very High Fire Hazard Severity Zone,” as defined in the City’s Community Wildfire Protection Plan adopted by City Council.

a. *Exception for Special Accessory Dwelling Units.* Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in subsection V., Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within any Fire Hazard Area (Extreme Foothill and Foothill), or as may be subsequently retitled in the future as the “Very High Fire Hazard Severity Zone,” as defined in the City’s Community Wildfire Protection Plan adopted by City Council, if the lot is zoned to allow for residential use and contains an existing or proposed primary residential unit.

H.D. Unit Configuration –~~Accessory Dwelling Unit.~~

1. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit in the configuration set forth in subsections D.2 and 3, below. However, multiple accessory units may be permitted in accordance with all the configuration, standards, and special procedures outlined in subsection V., Development Standards for Special Accessory Dwelling Units.

2. An accessory dwelling unit may be permitted in the following configurations:

a. Incorporated entirely within an existing or proposed ~~single primary~~ residential unit;

b. ~~Incorporated entirely within an~~ ~~or existing or proposed~~ accessory building, ~~including garages,~~ located on the same lot as the primary residential unit;

~~bc.~~ Attached to or increasing the size of an existing ~~single-primary~~ residential unit or accessory building located on the same lot as the primary residential unit; or

~~ed.~~ Detached from and located on the same lot as ~~an~~the existing or proposed ~~single primary~~ residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.

3. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

~~2. The accessory dwelling unit shall have exterior access that is independent from the primary residential unit.~~

~~3. The accessory dwelling unit shall meet all of the standards for a residential unit, pursuant to Section 30.140.150, Residential Unit.~~

~~I. Configuration—Junior Accessory Dwelling Unit.~~

- ~~1. A junior accessory dwelling unit must be created within the existing livable floor area of an existing single residential unit, and must include one of the bedrooms of the existing single residential unit.~~
- ~~2. A separate exterior entry shall be provided to serve a junior accessory dwelling unit.~~
- ~~3. An interior connection between the primary residential unit and the junior accessory dwelling unit must be maintained, however a lockable door in the same location may be added for sound attenuation and privacy.~~
- ~~4. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following components:~~
 - ~~a. A sink with a waste line not to exceed a diameter of one and one-half inches;~~
 - ~~b. A cooking facility with appliances which do not require electrical service greater than 120 volts, or natural or propane gas;~~
 - ~~c. A food preparation counter and Storage cabinets that are reasonable to the size of the junior accessory dwelling unit.~~

~~F.E.~~ **Sale, and Rental, and Occupancy Terms.** All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

1. ***Not to Be Sold Separately.*** An accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary residential unit.
2. ***Rental Terms.*** The accessory dwelling unit or junior accessory dwelling unit may be rented, however rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

~~G.~~ 3. ***Owner Occupancy.*** The following owner occupancy requirements shall apply to all junior accessory dwelling units and to any accessory dwelling unit permitted in an RS zone. The following types of projects are subject to an owner occupancy requirement:

- a. All lots developed with junior accessory dwelling units;
 - b. Any accessory dwelling unit located in an RS zone if an owner occupancy covenant was executed, submitted to the City, and recorded before January 1, 2020; and
 - c. Any accessory dwelling unit located in an RS zone submitted on or after January 1, 2025, or upon repeal of Government Code 65852.2 (a)(6)(B) removing the State-imposed prohibition of an owner occupancy requirement, whichever occurs first.
 - d. ***Exceptions:*** Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
24. ***Owner's Unit.*** If owner occupancy is required, Tthe property owner shall reside in and maintain either the primary residential unit or the accessory dwelling

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unit/junior accessory dwelling unit, as the property owner's principal place of residence ("owner's unit"). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner's unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.

25. ***Hardship Waiver.*** If owner occupancy is required, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying one of the units as ~~his or her primary residence~~ the owner's unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the ~~primary residential unit or the accessory dwelling unit/junior accessory dwelling~~ owner's unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing ~~him or her~~ the property owner from occupying the ~~primary residential unit or the accessory dwelling unit/junior accessory dwelling~~ owner's unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

F. Required Features. Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

1. ***Residential Elements.*** Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:
 - a. A kitchen, consisting of a sink, cooking appliance, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
 - b. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
 - c. A separate living room.
 - d. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.

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2. **Minimum Floor Area.** Notwithstanding the dwelling unit minimum described in Section 30.140.150, Residential Unit, the minimum floor area for a newly constructed accessory dwelling unit is as follows:
- a. **Efficiency Unit:** 150 square feet.
 - b. **Studio Unit:** 220 square feet.
 - c. **All Other Units:** 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet.

3. **Exterior Access.** Exterior access to the unit, that is independent from the primary residential unit, must be provided. An interior connection consisting of one fire-rated lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.
4. **Fire Sprinklers.** Fire sprinklers are required only if they are required for the primary residential unit.
5. **Permanent Foundation.** Attached and detached units shall be constructed with an approved permanent foundation.
6. **Property Addresses.** Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.
7. **Public Sewer.** Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.
8. **Water Meter.** Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.
9. **Passageway.** No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

~~E. **Number of Units.** Only one accessory dwelling unit or one junior accessory dwelling unit shall be permitted on a lot in addition to one single residential unit, not both.~~

J.G. Development Standards for Standard Accessory Dwelling Units.

1. **Development Standards Generally.** An accessory dwelling unit shall be deemed to be an accessory use or an accessory building. A junior accessory dwelling units shall be deemed to be an accessory use. Unless otherwise stated in this section, any lot developed with an accessory dwelling unit or a junior accessory dwelling unit

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~~shall comply with the development standards applicable to an accessory use or accessory building, as applicable, for a single-unit residential housing type within the zone in which the lot is located. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in subsection V., Development Standards for Special Accessory Dwelling Units.~~

~~1. ***Exceptions Dependent upon Maintenance of the Accessory Dwelling Unit.***~~

- a. The reductions and exceptions to the development standards normally applicable to ~~single-unit~~ residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for ~~single-unit~~ the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.
- b. Except as otherwise specified in this subsection, projects developed in accordance with this section shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and the base zone in which the lot is located.
- c. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.
- d. Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory dwelling unit may be constructed in compliance with all other development standards for Standard ADUs.

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~~K.~~ ~~2.~~ **Maximum Floor Area.** The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

~~1.~~ **Maximum Floor Area**

- ~~a.~~ **Attached Accessory Dwelling Unit.** An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit. The maximum floor area of an attached accessory dwelling unit shall not exceed 50% of the living area of the existing primary residential unit, or 1,200 square feet, whichever is less.
- ~~b.~~ **Converted Accessory Dwelling Unit.** An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size except that it shall not exceed the footprint of the existing structure.

~~2.~~ **Maximum Floor Area**

- ~~c.~~ **Detached Accessory Dwelling Unit.** An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages. The maximum floor area of a detached accessory dwelling unit shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - ~~a.~~ Lots less than 5,000 square feet: 600 square feet.
 - ~~b.~~ Lots 5,000 square feet up to 9,999 square feet: 800 square feet.
 - ~~c.~~ Lots 10,000 up to 14,999 square feet: 1,000 square feet
 - ~~d.~~ Lots 15,000 or larger: 1,200 square feet.
 - ~~i.~~ Lots up to 14,999 square feet and developed with one-bedroom or studio units: 850 square feet.
 - ~~ii.~~ Lots up to 14,999 square feet and developed with two or more-bedroom units: 1,000 square feet.
 - ~~ii.~~ Lots 15,000 square feet or larger: 1,200 square feet.

~~3.~~ **Maximum Floor Area**

- ~~d.~~ **Junior Accessory Dwelling Unit.** The maximum floor area of a junior accessory dwelling unit shall be 500 square feet.

~~4.~~ **Relation to Other Accessory Buildings.** The floor area of a detached accessory dwelling unit shall be included in the maximum total floor area allowed per lot for attached or detached covered parking and other detached accessory buildings, pursuant to Section 30.140.020.J, Maximum Floor Area.

~~3.~~ **Building Separation.** The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.

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4. ***Open Yard.*** ~~No open yard areas are required for accessory dwelling units or junior accessory dwelling units. The required minimum area, dimensions, and location of the required open yard pursuant to Section 30.140.140.C, Open Yards, for the existing or proposed primary residential unit on lots developed with single-unit or two-unit residential pursuant to Section 30.140.140.C, Open Yards, may be reduced as follows in order to construct an standard accessory dwelling unit pursuant to this subsection, or to construct an accessory dwelling unit proposed over a new or reconstructed maximum 500 square foot garage, provided all other open yard requirements for single-unit residential development in Section 30.140.140.C, Open Yards, are met:~~

~~1.a.~~ ***Minimum Area.***

- ~~a.i.~~ *Lots less than 6,000 square feet: 500 square feet.*
- ~~b.ii.~~ *Lots 6,000 up to 7,999 square feet: 800 square feet.*
- ~~c.iii.~~ *Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.*
- ~~d.iv.~~ *Lots 10,000 square feet or greater: 1,250 square feet.*

~~2.b.~~ ***Minimum Dimensions.*** 15 feet long and 15 feet wide.

~~3.c.~~ ***Location in Driveways and Turnarounds.*** Notwithstanding Section 30.140.140.E.6.a, Vehicle Areas, the required open yard may be located in driveways and turnarounds, but not parking areas, in order to allow the construction of a new accessory dwelling unit.

- ~~L.~~ ***Setbacks for Structures.*** ~~Except for the special rules stated in this subsection, the accessory dwelling unit or junior accessory dwelling unit shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.~~

~~1.~~ ***Special Rule for Garage Conversions.*** ~~No setbacks shall be required for an existing, legally permitted, garage or other accessory building that is converted to an accessory dwelling unit.~~

- ~~2.~~ ***Special Rule for an Accessory Dwelling Unit Constructed Above a Garage.*** ~~When an accessory dwelling unit is constructed above a new or existing attached or detached garage, a setback of five feet from the interior lot lines shall be required for the accessory dwelling unit. The five-foot setback applies only to the upper story portions of the accessory dwelling unit. Ground floor additions to the building shall comply with the setback standards applicable to residential structures within the zone in which the lot is located.~~

5. ***Setbacks.*** The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this subsection:

a. ***New Construction.*** Newly constructed accessory dwelling units shall comply with the following setback standards:

- i. ***Front Setback:*** Meet the minimum front setback for residential structures in the zone, unless further limited by subsection H.8., Front Yard Location, below.
- ii. ***Interior Setback:*** Four feet.

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- b. **Conversion.** No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Chapter 30.165, Nonconforming Structures, Site Development, and Uses.
- c. **Substantial Redevelopment.** No setback is required when an existing main or accessory building is substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - i. **Exception for Small Conforming Additions.** One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.
- d. **New Construction Combined with Replacement of a Nonconforming Garage.** The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:
 - i. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
 - ii. The new garage is enlarged only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access & Parking Design Standards, but located no closer to the property line as the existing garage; and
 - iii. The accessory dwelling unit is constructed above the reconstructed garage; and
 - iv. The accessory dwelling unit and any additions to the garage shall conform with current setbacks; and
 - v. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.
- 3. e. **Setback Encroachments.** Setback encroachments allowed pursuant to Section 30.140.090, Encroachments into Setbacks and Open Yards, may be permitted for accessory dwelling units or junior accessory dwelling units.
- ~~M. **Nonconforming Structures.** Additions, substantial redevelopment, or demolition and replacement of existing nonconforming structures shall comply with Chapter 30.165, Nonconforming Structures, Site Development, and Uses.~~
 - ~~1. **Exception for Nonconforming Garages.** Notwithstanding the limitations on additions described in Section 30.165.050, Additions to Nonconforming Development, the construction of an accessory dwelling unit may be combined with the substantial redevelopment and replacement of a nonconforming~~

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~~detached garage if the accessory dwelling unit is constructed above the reconstructed garage and all other development standards are met.~~

N. ~~**No Passageway Required.** No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.~~

O. ~~**Open Yard.** The required open yard pursuant to Section 30.140.140.C, Open Yards, may be reduced as follows in order to construct an accessory dwelling unit pursuant to this section, provided all other open yard requirements for single-unit residential development in Section 30.140.140.C, Open Yards, are met:~~

1. ~~*Minimum Area.*~~

a. ~~*Lots less than 6,000 square feet: 500 square feet.*~~

b. ~~*Lots 6,000 up to 7,999 square feet: 800 square feet.*~~

c. ~~*Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.*~~

d. ~~*Lots 10,000 square feet or greater: 1,250 square feet.*~~

2. ~~*Minimum Dimensions.* 15 feet long and 15 feet wide on lots developed with an accessory dwelling unit.~~

3. ~~*Driveways and Turnarounds.* Notwithstanding Section 30.140.140.E.6.a, Vehicle Areas, the required open yard may be located in driveways and turnarounds, but not parking areas, in order to allow the construction of a new accessory dwelling unit.~~

P. ~~**Permanent Foundation Required.** Attached and detached accessory dwelling units shall be constructed with an approved permanent foundation.~~

Q. ~~**Property Address.** Property addresses identifying two residential units are on the lot, with minimum three and one-half inch numbers, plainly visible from the street or road fronting the property shall be provided.~~

R. ~~**Parking.** Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with accessory dwelling units or junior accessory dwelling units shall be provided as follows:~~

1. ~~**Required Parking for the Primary Residential Unit.** Automobile parking for the primary residential unit shall be provided in compliance with Chapter 30.175, Parking Regulations, except as provided below.~~

2. ~~**Required Parking for an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.** No additional parking spaces are required for an accessory dwelling unit or for a junior accessory dwelling unit, unless as otherwise indicated in the Foothill High Fire Hazard Areas.~~

3. ~~**Optional Parking Spaces.** If new parking spaces are proposed, but are not required, for either the primary residential unit or the accessory dwelling unit, those optional parking spaces shall comply with the development standards applicable to a single~~

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~~residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.~~

~~S. **Utility Connection or Meter.** Provision of utility connection or meter shall comply with Title 14, Section 14.08.150.~~

TH. Architectural Review. ~~All The creation of an~~ accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

1. **Prohibition of Shiny Roofing and Siding.** New roofing and siding materials that are, shiny, mirror-like, or of a glossy metallic finish are prohibited.
2. **Roof Tile.** Where a new clay tile roof ~~for architecture based on Hispanic, Spanish and Mexican cultural influences~~ is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and ~~clay~~ “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing ~~P~~primary ~~R~~residential ~~U~~unit.
3. **Skylights.** New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
4. **Glass Guardrails.** New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.
5. **Garage Conversion.** If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with siding exterior wall coverings, or residential windows and doors, to match the existing exterior garage walls covering and detailing.
6. **Grading.** No more than 250 cubic yards of grading (i.e., cut and/or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
67. **Height.** The construction of an accessory dwelling unit shall not exceed the following, whichever is greater:
 - a. ~~h~~Height of the primary residential unit;
 - b. ~~or the~~ Number of stories of the primary residential unit; or
 - c. 17 feet,~~whichever is greater.~~

This height limitation is not applicable to an accessory dwelling unit constructed above a garage, ~~however, in no event shall the resulting building exceed the~~

maximum height or number of stories allowed for a detached or attached accessory building in the zone.

- 78. Front Yard Location.** The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:
- a. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
 - b. Unless constructed over a garage, the new unit shall be:
 - i. No more than one-story and less than 17 feet in height; and
 - ii. Screened from the street by topography, location, or landscape, in a manner designed to blend into the surrounding architecture or landscape, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.
- 89. Design Style.** New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details if the accessory dwelling unit meets any of the following:
- a. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
 - b. Located in the Hillside Design District and 20% or greater average slope;
 - c. Two or more stories tall, or 17 feet or taller in building height;
 - d. Located on a site on which there is a historical resource as follows:
 - i. ~~H~~listed on the National Register of Historic Places or the California Register of Historic ~~Resources~~Places, ~~or~~
 - ii. ~~d~~Designated as a City of Santa Barbara Landmark or Structure of Merit, or
 - iii. ~~H~~located in a designated historic district. ~~;~~or
 - e. Located in the front yard.
- 910. Privacy Standards.** The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall, ~~or~~ 17 feet or taller in building height, shall comply with the following:
- a. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
 - b. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters

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with a five-foot minimum height is incorporated into the unenclosed landing, deck or balcony.

- c. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

~~The portions of a building or site considered to be the accessory dwelling unit shall include all the contiguous interior livable floor area of the accessory dwelling unit, as well as any exterior alterations directly attached to, and related to, the livable floor area of the accessory dwelling unit.~~

11. Exceptions. Discretionary applications for design review may be requested in the following circumstances:

- a. An applicant may propose an accessory dwelling unit that does not meet these design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
- b. Discretionary design review may be required for any exterior alterations to the project site or ~~primary main buildings residential unit~~ that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter 22.22, 22.68, or 22.69 of this code.

UI. Protection for Historic Resources. No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource listed on the National Register of Historic Places or the California Register of Historical Resources Placees, designated as a City of Santa Barbara Landmark or Structure of Merit or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

J. Parking Standards. ~~No automobile parking spaces are required for accessory dwelling units or junior accessory dwelling units. The required parking for the existing residential units on site may be reduced or replaced as follows to construct an accessory dwelling unit: Notwithstanding the provisions of Chapter 30.175, Parking Regulations, automobile parking for lots developed with accessory dwelling units or junior accessory dwelling units shall be provided as follows:~~

- 1. ~~**Required Parking for the Primary Residential Unit.** Automobile parking for the primary residential unit shall be provided in compliance with Chapter 30.175, Parking Regulations, except as provided below.~~

- 1. **No Replacement Parking Required.** a. ~~Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit.~~ When an

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~~existing~~ garage, carport, or other covered parking structure is converted to an accessory dwelling unit or demolished in ~~conjunction with the construction of order to construct~~ an accessory dwelling unit, ~~those off-street parking spaces for the existing residential unit are not required to be replaced. the required covered parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the primary residential unit.~~

2. **Optional Parking Standards.** ~~The~~ If optional new or replacement parking spaces are proposed ~~for either the primary residential unit or the accessory dwelling unit, those spaces~~ may be ~~provided as~~ covered, uncovered, in a mechanical lift, or in a tandem configuration pursuant to ~~f. below~~. The replacement spaces shall meet all of the following:

- ~~i.a.~~ Covered parking shall meet the development standards applicable to a ~~single the primary~~ residential unit within the zone in which the lot is located.
- ~~ii.b.~~ All parking spaces must meet the minimum dimensions and development standards consistent with the City ~~Standard for Parking Design~~ **Parking Access & Design Standards** and Section 30.175.090 Parking Area Design and Development Standards.
- ~~iii.c.~~ In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall comply with Section 30.140.230, Visibility at Driveways and Intersections.
- ~~iv.d.~~ **Required Replacement** uncovered parking spaces may be allowed in a front or interior setback, provided ~~the all~~ uncovered parking spaces ~~is are~~ contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.
- ~~e.~~ **New uncovered parking spaces, that are not replacement parking spaces as described above, may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.**
- ~~f.~~ **Tandem parking configuration shall meet all the following:**
 - ~~i.~~ **No more than two automobiles shall be placed one behind the other.**
 - ~~ii.~~ **Both automobile parking spaces parked in tandem shall be assigned to the same residential unit. Tandem parking shall not create any traffic safety issues.**
 - ~~iii.~~ **Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement, pursuant to Chapter 30.260, Recorded Agreements.**

- iv. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director. Tandem Parking shall not create traffic safety issues.

VU. High Fire Hazard Areas Standards. All accessory dwelling units or junior accessory dwelling units located in any Fire Hazard Area as defined in the City's Community Wildfire Protection Plan. A junior accessory dwelling unit is permitted in any high fire hazard area. No accessory dwelling unit shall be permitted on a lot located within the Extreme Foothill High Fire Hazard Areas as defined in the City's Wildland Fire Plan, or as may be subsequently retitled in the future as a "High" or "Very High Fire Hazard Severity Zone" as defined in the Community Wildfire Protection Plan adopted by City Council. No accessory dwelling unit shall be permitted on a lot located within the Foothill High Fire Hazard Areas as defined in the City's Wildland Fire Plan unless all the following requirements are met shall comply with the following standards as applicable to new construction or parking:

1. **No Tandem Parking.** No parking space shall be developed in a tandem configuration.
2. **High Fire Construction.** The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
3. **No Variance or Modification.** No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
4. **Defensible Space.** The site must meet defensible space requirements, pursuant to Chapter 8.04 of this code, prior to occupancy and those requirements must be maintained.
5. **Parking.** One covered or uncovered automobile parking space per unit or bedroom, whichever is less, meeting all of the same parking standards required for the primary residential unit as described in subsection J. R-1, Parking Standards, shall be required for an accessory dwelling unit.
 - a. *Parking Exceptions for Certain Accessory Dwelling Units.* Automobile parking is not required for an accessory dwelling unit in any of the following instances:
 - i. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District, Brinkerhoff Avenue Landmark District, Riviera Campus Historic District, and the El Encanto Hotel Historic District, constitute architecturally and historically significant historic districts within the City and any

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district hereafter created deemed to be architecturally and historically significant.

- iii. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building.
- iv. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.
- v. When there is a “carshare vehicle” as defined in Chapter 10.73 of this code, located within a walking distance of 500 feet of the accessory dwelling unit.

V. Development Standards for Special Accessory Dwelling Units.

- 1. Development Standards Generally.** The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.
 - a. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the special accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.
 - b. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.
 - c. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. In the case when multiple residential units are existing on a lot, there shall be only one primary residential unit.

2. **Configuration – Single Unit Lots.** A lot developed with only one existing or proposed single-unit residence, may permit one of the following types of special accessory dwelling units:
- a. *Converted Portion of Main Building.* Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or
 - b. *Converted Accessory Building.* Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
 - c. *One Unit – New Construction.* One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
 - d. *Two Units – Combination.* One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed accessory dwelling unit, detached from any other main or accessory building.
3. **Configuration – Two-Unit or Multi-Unit Lots.** A lot developed with two or more existing residential units, may permit one of the following types of special accessory dwelling units:
- a. *Converted Non-Livable Space.* At least one accessory dwelling unit, and up to 25 percent of the existing number of residential units on a lot, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; or
 - b. *Two Units – New Construction.* No more than two newly constructed accessory dwelling units, detached from the main or accessory building.
4. **Maximum Floor Area**
- a. *Detached Accessory Dwelling Unit.* The maximum floor area of any detached, new construction, special accessory dwelling unit approved pursuant to this subsection is 800 square feet.
 - b. *Converted Accessory Dwelling Unit.* An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this subsection, is not limited in size.
 - c. *Junior Accessory Dwelling Unit.* The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

5. **Maximum Height – Detached Accessory Dwelling Unit.** The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this subsection is 16 feet.
6. **Exempt from Other Size Limitations.** A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this subsection is exempt from any other size limitation in this Title.
7. **Exempt from Open Yard.** No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this section. Open yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this subsection.

~~W. — Special Procedures for Accessory Dwelling Units Constructed Entirely Within Existing Structures.~~ The City shall ministerially approve an application for a building permit for an accessory dwelling unit if all of the following requirements are satisfied:

- ~~1. — The lot is located within any zone that allows single-unit residential as an allowed use.~~
- ~~2. — The construction will result in no more than one primary residential unit and one accessory dwelling unit on the lot.~~
- ~~3. — The proposed accessory dwelling unit will be contained entirely within the permitted floor area of the existing primary residential unit, or an existing accessory building on the same lot as the primary residential unit.~~
- ~~4. — The proposed accessory dwelling unit meets all of the configuration standards provided in subsection H, Configuration, of this section.~~
- ~~5. — When a garage is converted to an accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that were displaced shall comply with the same parking requirements described in subsection R.1, Required Parking for the primary residential unit.~~
- ~~6. — When a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with siding, or residential windows and doors, to match the existing garage walls and detailing.~~
- ~~7. — State and local building codes that apply to detached dwellings, including provisions for fire safety pursuant to subsection V, High Fire Hazard Areas, shall apply.~~
- ~~8. — Accessory dwelling units constructed pursuant to this subsection shall not be required to provide fire sprinklers if they are not required for the primary residential unit.~~
- ~~9. — An accessory dwelling unit constructed pursuant to this subsection shall require a building permit. Before obtaining a building permit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner and stating that~~

~~the accessory dwelling unit meets all the owner occupancy and rental requirements provided in subsections F, Sale and Rental Terms, and G, Owner Occupancy.~~

~~X.~~ W. **Building Permit Required.** All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of a building permit. Applications shall be processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this section. The City shall ministerially approve or disapprove ~~an complete building permit application for a building permit~~ an complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law. ~~provisions of this section within 120 days of receiving a complete application.~~

1. **Combined Permits.** An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.

12. **Modifications and Minor Zoning Exceptions for Accessory Dwelling Units or Junior Accessory Dwelling Units.** An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this section may be granted a modification or minor zoning exception if all the required findings can be met, pursuant to the procedures outlined in Chapter 30.250, Modifications, or Chapter 30.245 Minor Zoning Exceptions.

23. **Posted Sign.** Within five calendar days after submitting an initial building permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.

~~¥X.~~ **Recorded Agreement.** Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, pursuant to Chapter 30.260, Recorded Agreements, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in subsections F and G of this section.

ZY. Residential Density. An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing General Plan designations and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located. (Ord. 5834, 2018)

SECTION 2. Section 30.295.020 of Chapter 30.295 of Title 30 of the Santa Barbara Municipal Code is amended to read as follows:

30.295.020 Residential Use Classifications.

A. Residential Housing Types.

1. ***Single-Unit Residential.*** One primary residential unit and up to one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit located on a single lot. This classification includes individual mobilehomes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of Section 30.185.270, Mobilehomes, Recreational Vehicles and Modular Units, Individual Use.
2. ***Two-Unit Residential.*** No more than two residential units and may include one or more Accessory Dwelling Units located on a single lot. The residential units may be located in a single building that contains two residential units (also known as a duplex) or in two detached buildings.
3. ***Multi-Unit Residential.*** Three or more attached or detached residential units and may include one or more Accessory Dwelling Units on a single lot. Types of multi-unit residential include townhouses, multiple detached residential units (e.g. bungalow court), and multi-story apartment buildings.

B. Special Residential Unit Types.

1. ***Accessory Dwelling Unit.*** An attached or a detached residential unit ~~which that~~ provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single primary residential unit is or will be situated. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
 - b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
6. ***Junior Accessory Dwelling Unit.*** A unit that is no more than 500 square feet in size and contained entirely within the structure of an existing or proposed single-unit residential housing type. A junior accessory dwelling unit includes its own

separate sanitation facilities, or shares sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.

SECTION 3. Severability and Interpretation.

A. Severability. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

B. Interpretation. This Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this Ordinance shall be interpreted and construed to give maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

SECTION 4. CEQA

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit law.

SECTION 5. Effect on Projects in the Permit Process

Applications for Accessory Dwelling Units subject to the City's Interim Urgency Ordinance No. 5927, extended by Ordinance No. 5930, that were received on or after January 1, 2017 but before the effective date of City Council adoption may continue to be processed in accordance with Government Code 65852.2 provided that a building permit is issued within 60 days after the effective date of the ordinance, or may elect to be processed in accordance with the proposed Title 30 ordinance amendments. All applications for Accessory Dwelling Units submitted on or after the effective date of City Council adoption, and any Accessory Dwelling Unit applications which have not yet received a building permit by the deadlines described above, shall be subject to the proposed Title 30 ordinance amendments.

SECTION 6. Interim Urgency Ordinance No. 5930

Interim Urgency Ordinance No. 5930 shall automatically terminate and have no further force or effect upon the effective date of this ordinance.

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE SANTA BARBARA MUNICIPAL CODE BY ADDING CHAPTER 28.86 TO REGULATE ACCESSORY DWELING UNITS IN THE COASTAL ZONE AND INCLUDE ADDITIONAL AMENDMENTS TO CHAPTER 28 TO BE CONSISTENT WITH THIS INTENT

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 28 of the Santa Barbara Municipal Code is amended by adding Chapter 28.86 which reads as follows:

28.86.010 Purpose.

The purpose of this chapter is to:

- A. Expand opportunities in the City to create additional housing to suit the spectrum of individual lifestyles and space needs, allow more efficient use of existing housing stock and public infrastructure, and provide a range of housing opportunities.
- B. Allow accessory dwelling units or junior accessory dwelling units as an accessory use to a primary residential unit, consistent with California [Government Code](#) Section 65852.2 or 65852.22 and the California Coastal Act, as applicable.
- C. Promote accessory dwelling units or junior accessory dwelling units with high-quality designs that are compatible with the surrounding neighborhood, historic resources, and historic districts; preserve the City's coastal resources; promote long-term sustainability; and contribute to a desirable living environment.

28.86.020 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

A. **Accessory Dwelling Unit.** An attached or a detached residential unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residential unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and be located on the same parcel that the primary residential unit is or will be situated. The following categories of accessory dwelling units are subject to specific development standards:

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1. **Special Accessory Dwelling Unit.** These are specific types of smaller accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards described in Section 28.86.090, Development Standards for Special Accessory Dwelling Units. Special accessory dwelling units allow for more than one accessory dwelling unit on a lot.
2. **Standard Accessory Dwelling Unit.** These are typically larger accessory dwelling units with size, height, and setback standards generally described in Section 28.86.055, Development Standards for Standard Accessory Dwelling Units. Standard accessory dwelling units do not allow for more than one accessory dwelling unit on a lot.

An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- B. Carshare Vehicle.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization which provides hourly or daily car sharing service to its members.
- C. Efficiency Kitchen.** A kitchen that includes at a minimum:
1. Appliances for cooking food and refrigeration, either built-in or countertop.
 2. A sink for food preparation greater than 12 inches by 12 inches, excluding the sink located in the bathroom.
 3. A food preparation counter.
- D. Existing Floor Area.** A legally permitted building constructed on the site with a final inspection or certificate of occupancy as of the date of application submittal, that conforms to current zoning standards or is legal nonconforming as to current zoning standards.
- E. Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within the existing floor area of an existing or proposed single residential unit. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed single residential unit and includes an efficiency kitchen.
- F. Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- G. Primary Residential Unit.** The existing or proposed residential unit on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted. The primary residential unit shall comprise one unit in either a single residential unit, two-

residential unit, multiple residential unit, or mixed use development (as those terms are defined in Section 28.04.020 of this title).

H. Principal Place of Residence. The residence where a property owner actually lives for the greater part of time, or the place where the property owner remains when not called elsewhere for some special or temporary purpose and to which the property owner returns frequently and periodically, as from work or vacation. There may be only one “principal place of residence,” and where more than one residence is maintained or owned, the burden shall be on the property owner to show that the primary residential unit, or accessory dwelling unit, or junior accessory dwelling unit is the property owner’s principal place of residence as evidenced by qualifying for the homeowner’s tax exemption, voter registration, vehicle registration, or similar methods that demonstrate owner-occupancy. If multiple persons own the property as tenants in common or some other form of common ownership, a person or persons representing at least 50% of the ownership interest in the property shall reside on the property and maintain the property as a principal place of residence. Any person or persons who qualify for the homeowner’s tax exemption under the California State Board of Equalization rules, may qualify as an owner occupant.

28.86.030 Where Permitted.

- A. ACCESSORY DWELLING UNIT. An accessory dwelling unit may be permitted in any zone that allows residential use, located on a lot developed or proposed to be developed with one or more residential units, except as prohibited below.
- B. JUNIOR ACCESSORY DWELLING UNIT. A junior accessory dwelling unit may be permitted in any zone that allows residential use, and shall be located on a lot developed with an existing or proposed single residential unit.
- C. PROHIBITED LOCATIONS.

 - 1. No accessory dwelling unit shall be permitted in a location that would conflict with the coastal resource protection policies of the City’s Coastal Land Use Plan.
 - 2. No accessory dwelling unit shall be permitted on a lot located within the High Fire Hazard Area (Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City’s Community Wildfire Protection Plan adopted by City Council.

 - a. Exception for Special Accessory Dwelling Units. Accessory dwelling units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units, may be permitted on any lot, including lots located within any High Fire Hazard Area (Extreme Foothill and Foothill) or as subsequently amended for consistency with state-level Fire Hazard Severity Zone mapping terminology as defined in the City’s Community Wildfire Protection Plan adopted by City Council, if the lot is

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zoned to allow for residential use and contains an existing or proposed primary residential unit.

28.86.035 Unit Configuration.

- A. Only one accessory dwelling unit or junior accessory dwelling unit shall be permitted on a lot in addition to the primary residential unit, pursuant to this Chapter. However, multiple accessory dwelling units may be permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Development Standards for Special Accessory Dwelling Units.
- B. An accessory dwelling unit may be permitted in the following configurations:
1. Incorporated entirely within an existing or proposed primary residential unit.
 2. Incorporated entirely within an existing accessory building, including garages, located on the same lot as the primary residential unit.
 3. Attached to or increasing the size of an existing primary residential unit or accessory building located on the same lot as the primary residential unit.
 4. Detached from and located on the same lot as the existing or proposed primary residential unit. An accessory dwelling unit that is attached to another detached accessory building, but not the primary residential unit, or is attached by a breezeway or porch, is considered detached.
- C. A junior accessory dwelling unit must be incorporated entirely within the existing floor area of an existing or proposed single residential unit or attached garage.

28.86.040 Sale, Rental, and Occupancy Terms.

All accessory dwelling units and junior accessory dwelling units shall be subject to the following sale, rental, and occupancy terms:

- A. NOT TO BE SOLD SEPARATELY. An accessory dwelling unit or junior accessory unit shall not be sold separately from the primary residential unit.
- B. RENTAL TERMS. The accessory dwelling unit or junior accessory dwelling unit may be rented; however, rental terms shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.
- C. OWNER OCCUPANCY. The following types of projects are subject to an owner occupancy requirement:
1. All lots developed with junior accessory dwelling units;

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2. Any accessory dwelling unit located in a One-Family Residence Zone if an owner occupancy covenant was executed, submitted to the City, and recorded before January 1, 2020; and
 3. Any accessory dwelling unit located in a One-Family Residence Zone submitted on or after January 1, 2025, or upon repeal of Government Code 65852.2 (a)(6)(B) removing the State-imposed prohibition of an owner occupancy requirement, whichever occurs first.
- D. EXCEPTIONS. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- E. OWNER’S UNIT. If owner occupancy is required in accordance with subsection C, Owner Occupancy, the property owner shall reside in and maintain either the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the property owner’s principal place of residence (“owner’s unit”). Owners of lots developed with an accessory dwelling unit/junior accessory dwelling unit shall live on the lot as long as the lot is developed with an accessory dwelling unit/junior accessory dwelling unit. Owners may re-designate the primary residential unit or the accessory dwelling unit/junior accessory dwelling unit as the owner’s unit upon written notice to the Community Development Director and written approval of the re-designation by the Community Development Director, which approval shall not be denied unreasonably. The property owner shall not rent or lease both the primary residential unit and the accessory dwelling unit/junior accessory dwelling unit simultaneously.
- F. HARDSHIP WAIVER. If owner occupancy is required in accordance with subsection C, Owner Occupancy, in the event of a hardship, such as the death or disability of the property owner, job transfer, or similar significant personal situation which prevents the property owner from occupying the owner’s unit, a property owner or estate representative may apply for a temporary waiver of the owner-occupation requirement for a specific time period to allow the owner’s unit to be occupied by a non-property owner pending disposition of the property through probate or non-probate transfer to a new owner, or the cessation of the circumstances preventing the property owner from occupying the owner’s unit on the property. The Community Development Director shall review applications for a hardship waiver. Any such waiver shall specify the period of time for which it is granted, provided that no such waiver may be granted for a period longer than three years.

28.86.050 Required Features.

Each accessory dwelling unit and junior accessory dwelling unit shall contain, at a minimum, the following features:

- A. RESIDENTIAL ELEMENTS. Permanent provisions for separate residential occupancy must be provided as follows within the contiguous livable floor space of the accessory

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dwelling unit or junior accessory dwelling unit and must be independent from the primary residential unit:

1. A kitchen, consisting of a sink, cooking appliances, and refrigeration facilities. A junior accessory dwelling unit may utilize an efficiency kitchen.
2. A bathroom consisting of a toilet, sink, and bathtub or shower. A junior accessory dwelling unit may share sanitation facilities with the existing or proposed single residential unit.
3. A separate living room.
4. A separate sleeping room, except in studio residential units, where a living room is considered a sleeping room.

B. MINIMUM FLOOR AREA. Notwithstanding the dwelling unit minimum described in Section 28.87.150, Dwelling and Other Occupancies, the minimum floor area for a newly constructed accessory dwelling unit is as follows:

1. Efficiency Unit: 150 square feet.
2. Studio Unit: 220 square feet.
3. All Other Units: 400 square feet.

Such usable floor area shall be exclusive of open porches, garages, basements, cellars and unfinished attics. The minimum floor area for accessory dwelling units that are created by converting existing structures is 150 square feet.

C. EXTERIOR ACCESS. Exterior access to the unit, that is independent from the primary residential unit and, must be provided. An interior connection consisting of one fire-rated lockable door between the primary residential unit and an accessory dwelling unit or junior accessory dwelling unit may be provided.

D. FIRE SPRINKLERS. Fire sprinklers are required only if they are required for the primary residential unit.

E. PERMANENT FOUNDATION. Attached and detached units shall be constructed with an approved permanent foundation.

F. PROPERTY ADDRESSES. Addresses identifying all residential units on the lot, with minimum three- and one-half-inch numbers plainly visible from the street or road fronting the property shall be provided.

G. PUBLIC SEWER. Accessory dwelling units and junior accessory dwelling units shall be connected to a public sewer. If public sewer connection is not available, approval of a new or expanded onsite wastewater treatment system shall be required in accordance with the procedures from the Code of the County of Santa Barbara California prior to issuance of a building permit.

H. WATER METER. Accessory dwelling units shall comply with the water metering requirements of Title 14, Section 14.08.150 E.

I. PASSAGEWAY. No passageway is required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit.

28.86.055 Development Standards for Standard Accessory Dwelling Units.

A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to standard accessory dwelling units and junior accessory dwelling units, except for those units permitted in accordance with all the configuration, standards, and special procedures outlined in Section 28.86.090, Standards for Special Accessory Dwelling Units.

1. The reductions and exceptions to the development standards normally applicable to residential development allowed in this section are for the express purpose of promoting the development and maintenance of an accessory dwelling unit on the lot. If for any reason the accessory dwelling unit is not maintained on the lot in conformance with this section, the lot shall be brought into compliance with all of the requirements for the residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit, including, but not limited to, the requirements for open yard, setbacks, and covered parking.

2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to an attached or detached accessory building for the housing type and base zone in which the lot is located.

3. One primary residential unit shall be designated on a lot on which an accessory dwelling unit or junior accessory dwelling unit is permitted.

4. Notwithstanding the size limit of an attached accessory dwelling unit based on a percentage of the proposed or existing primary unit, or lot coverage, floor area ratio, open yard, and minimum lot size standards for an attached or detached accessory dwelling unit, an 800-square-foot, 16-foot high attached or detached accessory dwelling unit may be constructed in compliance with all other development standards for Standard ADUs.

B. MAXIMUM FLOOR AREA. The maximum floor area for a standard accessory dwelling unit and junior accessory dwelling unit is as follows:

1. Attached Accessory Dwelling Unit. An accessory dwelling unit that is attached to, and increasing the size of, the primary residential unit shall not exceed 50% of the living area of the existing primary residential unit.

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2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within an existing primary residential unit, or within an existing accessory building, is not limited in size.
 3. Detached Accessory Dwelling Unit. An accessory dwelling unit that is detached from the primary residential unit and may or may not be attached to another detached accessory building, including detached garages, shall not exceed the following maximum floor area based on lot size and number of bedrooms:
 - a. Lots up to 14,999 square feet:
 - i. One-bedroom or studio units: 850 square feet.
 - ii. Two or more-bedroom units: 1,000 square feet.
 - b. Lots 15,000 square feet or larger: 1,200 square feet.
 4. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.
- C. RELATIONSHIP TO OTHER FLOOR AREA LIMITATIONS. The floor area of an accessory dwelling unit or junior accessory dwelling unit is included in any other floor area limitation in this Title that is applicable to an attached or detached accessory building for the housing type and in the base zone in which the lot is located.
1. Exception. The floor area of a detached accessory dwelling unit shall be excluded from the aggregate maximum floor area allowed for other detached accessory buildings, such as work or storage sheds, pursuant to Section 28.87.160 of this title.
- D. BUILDING SEPARATION. The minimum separation between the primary residential unit and a detached accessory dwelling unit shall be five feet.
- E. OPEN YARD. No open yard areas are required for accessory dwelling units or junior accessory dwelling units. The minimum area, dimensions, and location of the required open yard pursuant to Sections 28.15.060.C and 28.18.060.C of this title for the existing or proposed primary residential unit may be reduced to the area identified below in order to construct a standard accessory dwelling unit, or to construct an accessory dwelling unit proposed over a new or substantially redeveloped maximum 500 square foot garage or other conforming accessory structure, in the one-family and two-family residence zones, provided all other open yard requirements are met:
1. Minimum Area.
 - a. Lots less than 6,000 square feet: 500 square feet.
 - b. Lots 6,000 up to 7,999 square feet: 800 square feet.
 - c. Lots 8,000 square feet up to 9,999 square feet: 1,000 square feet.

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- d. Lots 10,000 square feet or greater: 1,250 square feet.
 - 2. Minimum Dimensions. 15 feet long and 15 feet wide.
 - 3. Location in Driveways and Turnarounds. Notwithstanding Section 28.15.060 C.c.
 - ii. Setback and Open Yard Requirements of this title, the required open yard may be located in driveways and turnarounds, but not required parking areas, in order to allow the construction of a new accessory dwelling unit.
- G. SETBACKS. The following setbacks shall apply to new and converted standard accessory dwelling units approved pursuant to this section:
- 1. New Construction. Newly constructed accessory dwelling units shall comply with the following setback standards:
 - a. Front Setback: Meet the minimum front setback for residential structures in the zone, unless further limited by Section 28.86.060 H., Front Yard Location, below.
 - b. Interior Setback: Four feet.
 - 2. Converted. No setback is required to convert the existing, legally permitted, floor area of a main or accessory building to an accessory dwelling unit. Improvements to existing nonconforming buildings, including conforming additions, are allowed pursuant to Section 28.87.030 D., Nonconforming Buildings of this title and the policies of the City's Coastal Land Use Plan.
 - 3. Demolished and Converted. No setback is required when an existing main or accessory building is demolished or substantially redeveloped and converted to an accessory dwelling unit, provided that the new building is reconstructed in the same location and with the same dimensions and floor area as the existing building.
 - a. Exception for Small Conforming Additions. One small 150-square-foot conforming first floor addition may be permitted on a substantially redeveloped and converted nonconforming accessory building.
 - 4. New Construction Combined with Replacement of a Nonconforming Garage. The construction of an accessory dwelling unit may be combined with the demolition and replacement of a nonconforming detached garage if all of the following requirements are met:
 - a. The new garage is reconstructed in the same location and with the same dimensions as the existing garage; or
 - b. The new garage is enlarged only as necessary to provide the same number of parking spaces and to meet the dimension requirements of the City of Santa Barbara Access & Parking Design Standards, but located no closer to the property line as the existing garage; and

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- c. The accessory dwelling unit is constructed above the reconstructed garage; and
 - d. The accessory dwelling unit and any additions to the garage shall conform with current setbacks; and
 - e. The new structure shall comply with all applicable height and building story limitations, and all other development standards are met.
5. Encroachments. Encroachments allowed pursuant to Section 28.87.062, Setback, Open Yard, Common Outdoor Living Space, and Distance Between Main Buildings Encroachments, may be permitted for accessory dwelling units or junior accessory dwelling units. However, no setback encroachment shall be located closer than three feet from any property line, except roof eaves, which may be located as close as two feet from any property line.

28.86.060 Architectural Review.

All accessory dwelling units or junior accessory dwelling units shall be subject to the following architectural design criteria as applicable to either new construction or exterior alterations, which shall be reviewed ministerially by the Community Development Director. For purposes of this section, portions of a building or site considered to be the accessory dwelling unit shall include all of the contiguous interior livable floor area of the accessory dwelling unit and any exterior alterations directly attached to, and integral to, the livable floor area of the accessory dwelling unit.

- A. PROHIBITION OF SHINY ROOFING AND SIDING. New roofing and siding materials that are shiny, mirror-like, or of a glossy metallic finish are prohibited.
- B. ROOF TILE. Where a new clay tile roof is proposed, the use of two-piece terra cotta (Mission “C-tile”) roof is required and “S-tile” is prohibited, unless necessary to match the S-tile roof materials of the existing primary residential unit.
- C. SKYLIGHTS. New skylights shall have flat glass panels. “Bubble” or dome type skylights are not allowed.
- D. GLASS GUARDRAILS. New glass guardrails are not allowed, unless necessary to match the glass guardrails of the existing primary residential unit.
- E. GARAGE CONVERSION. If a garage is converted to an accessory dwelling unit, the garage door opening shall be replaced with exterior wall coverings, or residential windows or doors, to match the existing exterior garage wall covering and detailing.
- F. GRADING. No more than 250 cubic yards of grading (i.e., cut or fill under the main accessory dwelling unit building footprint and outside the main building footprint to accommodate the accessory dwelling unit) is proposed in the Hillside Design District or on lots in other parts of the City with a slope of 15% or greater.
- G. HEIGHT. An accessory dwelling unit shall not exceed the following, whichever is greater:

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1. Height of the primary residential unit;
2. Number of stories of the primary residential unit; or
3. 17 feet.

This height limitation is not applicable to an accessory dwelling unit constructed above a garage; however, in no event shall the resulting building exceed the maximum height or number of stories allowed for a detached or attached accessory building in the zone.

H. FRONT YARD LOCATION. The construction of a new detached accessory dwelling unit located in the front yard shall be subject to all of the following:

1. The new accessory dwelling unit must be located a minimum of 20 feet back from all front lot lines, or meet the minimum front setback for the zone in which the lot is located, whichever is greater.
2. Unless constructed over a garage, the new unit shall be:
 - a. No more than one-story and less than 17 feet in height; and
 - b. Screened from the street by topography, location, or landscape, in a manner designed to blend into the surrounding architecture or landscape, so as to minimize visibility of the accessory dwelling unit to the casual observer as viewed from the street.

I. DESIGN STYLE. New detached or attached accessory dwelling units shall be compatible with the design of the primary residential unit regarding style, fenestration, materials, colors, and details if the accessory dwelling unit meets any of the following:

1. Attached to, or if any portion of the accessory dwelling unit is located within 20 feet of, the primary residential unit;
2. Located in the Hillside Design District and 20% or greater average slope;
3. Two or more stories tall, or 17 feet or taller in building height;
4. Located in the front yard.
5. Located on a site on which there is a historical resource as follows:
 - a. Listed on the National Register of Historic Places or the California Register of Historic Resources;
 - b. Designated as a City of Santa Barbara Landmark or Structure of Merit; or
 - c. Located in a designated historic district.

J. PRIVACY STANDARDS. The construction of an accessory dwelling unit where any portion of the proposed construction is either: two or more stories tall or 17 feet or taller in building height, shall comply with the following:

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1. Upper story unenclosed landings, decks, and balconies greater than 20 square feet, that face or overlook the adjoining property, shall be located a minimum of 15 feet from the interior lot lines.
2. Upper story unenclosed landings, decks and balconies, that do not face or overlook the adjoining property due to orientation or topography, may be located at the minimum interior setback line if an architectural screening element such as enclosing walls, trellises, awnings or perimeter planters with a five-foot minimum height is incorporated into the unenclosed landing, deck or balcony.
3. Upper story windows that face or overlook the adjoining property, located within 15 feet of the interior lot lines, shall be installed a minimum of 42 inches above finish floor.

K. EXCEPTIONS. Discretionary applications for design review may be requested in the following circumstances:

1. An applicant may propose an accessory dwelling unit that does not meet these ministerial design criteria subject to approval by the Single Family Design Board, Architectural Board of Review, or Historic Landmarks Commission, as appropriate.
2. Discretionary design review may be required for any exterior alterations to the project site or main buildings that are not an integral part of the accessory dwelling unit, but are proposed in conjunction with the accessory dwelling unit, if required pursuant to Chapter [22.22](#), [22.68](#), or [22.69](#) of this code.

28.86.070 Protection for Historic Resources.

No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the proposal would cause a substantial adverse change in the significance of a historical resource that is listed on the National Register of Historic Places or the California Register of Historical Resources, designated as a City of Santa Barbara Landmark or Structure of Merit, or located in a designated historic district. The Community Development Director shall make this determination by reviewing the proposal for compliance with appropriate Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.

28.86.080 Parking Standards

Consistent with the requirements of the City's Coastal Land Use Plan Policies, sufficient off-street parking must be provided for any new development and substantial redevelopment so as to avoid significant adverse impacts to public access to the shoreline and coastal recreation areas. Automobile parking, therefore, must be provided consistent with the Zoning Ordinance for lots developed with accessory dwelling units or junior accessory dwelling units located in the coastal zone, as follows:

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- A. PRIMARY RESIDENTIAL UNIT. Automobile parking for the primary residential unit shall be provided in compliance with Chapter 28.90, except as provided below.
1. Special Procedures for Conversion or Demolition of Existing Covered Parking to an Accessory Dwelling Unit. When an existing garage, carport, or other covered parking structure is converted to an accessory dwelling unit or junior accessory dwelling unit or demolished in conjunction with the construction of an accessory dwelling unit, the required covered parking spaces that are displaced by the conversion or demolition shall be replaced on the same lot as the primary residential unit in order to satisfy the automobile parking requirement of the existing residential unit. The replacement spaces may be covered, uncovered, in a mechanical lift, or in a tandem configuration. The replacement spaces shall meet all of the following:
 - a. Covered parking shall meet the development standards applicable to a residential unit within the zone in which the lot is located.
 - b. All parking spaces must meet the minimum dimensions and development standards consistent with the City of Santa Barbara Access & Parking Design Standards and Section 28.90.045.
 - c. In order to maintain visibility for adjacent driveways and intersections, uncovered parking spaces shall not obstruct the sightlines required for the safe operation of motor vehicles, as determined by the Public Works Director.
 - d. Required uncovered parking spaces may be allowed in a front or interior setback, provided the uncovered parking space is contained within the area of an existing paved driveway and no increase to paved areas occurs in the setbacks.
 - e. No more than two automobiles shall be placed one behind the other. Tandem parking shall not create any traffic safety issues.
 - f. Both automobile parking spaces parked in tandem shall be assigned to the same residential unit.
 - g. Tandem parking in multi-unit and commercial zones is subject to approval by the Public Works Director.
 - h. Vertical or stackable tandem parking, provided by means of mechanical lifts, is subject to approval by the Public Works Director. Mechanical lifts shall be fully enclosed within a structure and shall require a recorded maintenance agreement.

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2. Nonconforming Conditions. If the accessory dwelling unit or junior accessory dwelling unit is developed in accordance with all the requirements of this Chapter, and is eligible for ministerial approval, the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed, shall not apply if the new floor area consists of a new accessory dwelling unit.
- B. JUNIOR ACCESSORY DWELLING UNITS. No automobile parking is required for junior accessory dwelling units, since they are not anticipated to increase parking demand generated by the development.
- C. NO PARKING REQUIRED FOR CERTAIN ACCESSORY DWELLING UNITS. The following types of accessory dwelling units are not anticipated to increase parking demand generated by the development and therefore automobile parking is not required for the accessory dwelling unit if it meets all of the following criteria:
 1. Outside Key Public Access Areas. The accessory dwelling unit is not located in a key public access parking area (West Beach, Lower State, and East Beach Component Areas) as delineated in Figure 3.1-2 of the Coastal Land Use Plan; and
 2. On a Lot Developed with a Single Residential Unit. The accessory dwelling unit is located on a lot developed, or proposed to be developed with, only one single residential unit on the lot; and
 3. Measures to Reduce Demand. The accessory dwelling unit meets at least one of the following measures that will sufficiently reduce the demand for off-street parking:
 - a. The accessory dwelling unit is located within a walking distance of one-half mile of a public transit stop, such as a bus stop or train station; or
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district. For purposes of this provision, El Pueblo Viejo Landmark District constitutes an architecturally and historically significant historic district and any district hereafter created deemed to be architecturally and historically significant; or
 - c. The accessory dwelling unit is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building; or
 - d. When on-street parking permits are required but not offered to the occupants of the accessory dwelling unit; or
 - e. When there is a carshare vehicle located within a walking distance of 500 feet of the accessory dwelling unit.

- D. ALL OTHER UNITS. All other accessory dwelling units shall provide a minimum of one uncovered automobile parking space meeting all of the same parking standards required for the primary residential unit as described in Subsection A, above.
- E. OPTIONAL PARKING SPACES. If new parking spaces are proposed, but are not required, for either the primary residential unit or the accessory dwelling unit, those optional parking spaces shall comply with the development standards applicable to a residential unit within the zone in which the lot is located. Uncovered parking spaces may be located three feet from any interior lot line, provided a minimum of three feet in width of planting area is provided for the length of the paved parking area along the interior lot line.

28.86.085 Fire Hazard Area Standards

All accessory dwelling units or junior accessory dwelling units located in any Fire Hazard Area as defined in the City's Community Wildfire Protection Plan or as may be subsequently retitled in the future as the "High" or "Very High Fire Hazard Severity Zone" as defined in the Community Wildfire Protection Plan adopted by City Council shall comply with the following standards as applicable to new construction or parking:

- A. NO TANDEM PARKING. No parking space shall be developed in a tandem configuration.
- B. HIGH FIRE CONSTRUCTION. The accessory dwelling unit shall be designed to meet high fire construction standards adopted or enforced by the City, as determined by the Chief Building Official or the Fire Code Official.
- C. NO VARIANCE OR MODIFICATIONS. No variance or modification to any Fire Code requirements or high fire construction standards shall be permitted.
- D. DEFENSIBLE SPACE. The site must meet defensible space requirements, pursuant to Chapter 8.04 of this code and the policies of the Coastal Land Use Plan, prior to occupancy and those requirements must be maintained.

28.86.090 Development Standards for Special Accessory Dwelling Units.

- A. DEVELOPMENT STANDARDS GENERALLY. The development standards listed in this section apply to specific types of small accessory dwelling units and junior accessory dwelling units with certain size, height, and setback standards that, if followed, allow for an accessory dwelling unit to be permitted on lots in a Fire Hazard Area, or more than one accessory dwelling unit on a lot, and allows additional reductions and exceptions to development standards for open yard and maximum floor area. Applications utilizing the special standards described in this Section may not utilize the less restrictive configuration, size, and height standards allowed under another section to achieve a larger unit or more than one unit.

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1. Any reductions and exceptions in this section are for the express purpose of promoting the development and maintenance of a special accessory dwelling unit or junior accessory dwelling unit on the lot. If for any reason the accessory dwelling unit or junior accessory dwelling unit is no longer maintained on the lot, the lot shall be brought into compliance with all of the requirements for the remaining residential development, or with the legal nonconforming condition of the lot prior to the development of the accessory dwelling unit or junior accessory dwelling unit.
 2. Except as otherwise specified in this section, projects developed in accordance with this Chapter shall otherwise comply with the development standards applicable to the housing type and base zone in which the lot is located.
- B. CONFIGURATION – SINGLE RESIDENTIAL UNIT LOTS. A lot developed with only one existing or proposed single residential unit, may permit one of the following types of special accessory dwelling units:
1. Converted Portion of Main Building. Only one accessory dwelling unit or junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit; or
 2. Converted Accessory Building. Only one accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed floor area of a garage or other accessory building on the same lot as the primary residential unit, plus one 150-square-foot conforming first floor addition, if the expansion is limited to accommodating ingress and egress; or
 3. One Unit – New Construction. One newly constructed accessory dwelling unit, detached from any other main or accessory building; or
 4. Two Units – Combination. One junior accessory dwelling unit contained entirely within the existing, legally permitted, fully enclosed livable floor area of the existing or proposed primary residential unit, plus one newly constructed, accessory dwelling unit, detached from any other main or accessory building.
- C. CONFIGURATION – TWO-RESIDENTIAL AND MULTIPLE RESIDENTIAL UNIT LOTS. A lot developed with two residential units or multiple residential units may permit one of the following types of special accessory dwelling units:
1. Converted Non-Livable Space. At least one accessory dwelling unit, and up to 25 percent of the existing number of residential units on a lot, may be converted on a lot if contained entirely within portions of existing, legally permitted, fully enclosed floor area of a residential structure that is not used as livable space, including but

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not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages; or

2. Two Units – New Construction. No more than two newly constructed accessory dwelling units, detached from any other main or accessory building.

D. MAXIMUM FLOOR AREA

1. Detached Accessory Dwelling Unit. The maximum floor area of any detached, new construction, special accessory dwelling unit, approved pursuant to this Section, is 800 square feet.
2. Converted Accessory Dwelling Unit. An accessory dwelling unit that is incorporated entirely within portions of existing floor area, approved pursuant to this Section, is not limited in size.
3. Junior Accessory Dwelling Unit. The maximum floor area of a junior accessory dwelling unit shall not exceed 500 square feet.

E. MAXIMUM HEIGHT – DETACHED ACCESSORY DWELLING UNIT. The maximum building height of a detached, new construction, special accessory dwelling unit approved pursuant to this Section is 16 feet.

F. EXEMPT FROM OTHER SIZE LIMITATIONS. A special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section is exempt from any other size limitation, including but not limited to, the aggregate maximum floor area allowed for detached accessory buildings pursuant to Section 28.87.160 of this title, or the Maximum Net Floor Area (Floor to Lot Area Ratio) for one-family residence zones per Section 28.15.083 of this title, or the provision in Section 29.90.001.B, Existing Parking Space, that requires nonconforming parking to be brought up to current standards if an enlargement of more than 50% of the existing net floor area is proposed.

G. EXEMPT FROM OPEN YARD. No open yard is required for a special accessory dwelling unit or junior accessory dwelling unit approved pursuant to this Section. Open yard for any existing residential units on a lot may be reduced or eliminated entirely in order to permit a special accessory dwelling unit meeting all the standards and criteria in this Section.

28.86.100 Permits and Processing.

All accessory dwelling units and junior accessory dwelling units shall comply with applicable state and local building codes and shall require approval of either a Coastal Exemption, Coastal Exclusion, or Coastal Development Permit, and a building permit. The City shall ministerially approve or disapprove a complete building permit application for an accessory dwelling unit or junior accessory dwelling unit in compliance with time periods established by State law, following any applicable discretionary coastal permit approvals.

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- A. COMBINED PERMITS. An accessory dwelling unit or junior accessory dwelling unit permit shall not be combined with a permit for other proposed construction on the site unrelated to the accessory dwelling unit or junior accessory dwelling unit. If a permit application for an accessory dwelling unit or junior accessory dwelling unit is submitted at the same time as a permit application for a new single-unit dwelling, review of the permit for the accessory dwelling unit or junior accessory dwelling unit application shall be delayed until the permit for the single-unit dwelling has been approved.
- B. MODIFICATIONS. An accessory dwelling unit or junior accessory dwelling unit that is not in compliance with the development standards of this Chapter may be granted a modification if all the required findings can be met, pursuant to the procedures outlined in Section 28.92.110, Modifications of this title.
- C. POSTED SIGN. Within five calendar days after submitting an initial permit application to the City, the property owner shall install a public notice in the form of a posted sign on the property in a manner deemed acceptable by the Community Development Director. The sign shall remain posted until a building permit is issued, or the application expires or is withdrawn. At the time of application submittal, the applicant shall sign an affidavit stating that he or she will post the required sign per this subsection. The validity of the permit shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive this notice.
- D. RECORDED AGREEMENT. Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute an agreement, containing a reference to the deed under which the property was acquired by the present owner which outlines the requirements regarding the sale, rental, and owner occupancy of lots developed with accessory dwelling units and junior accessory dwelling units as specified in Section 28.86.040 of this chapter.
- E. RESIDENTIAL DENSITY. An accessory dwelling unit or junior accessory dwelling unit is a residential use that is consistent with the existing Coastal Land Use Plan designation and zoning for lots within the allowable residential zones. Any accessory dwelling unit or junior accessory dwelling unit permitted pursuant to this section does not exceed the allowable density for the lot upon which the accessory dwelling unit or junior accessory dwelling unit is located.

SECTION 2. Section 28.04.020 of Chapter 28.04 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.04.020 Terms Defined.

Accessory Building. A subordinate building or portion of the main building, the use of which is incidental to that of the main building on the same lot. Where an accessory building is

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attached to and made a part of the main building, not less than eight feet in length of one of the walls or roof of such accessory building, or not less than 100% of any wall of such accessory building less than eight feet in length, shall be an integral part of the main building and such accessory building shall comply in all respects with the requirements of this title applicable to a main building. An accessory building, unless attached to and made a part of the main building, as above provided for, shall be not closer than five feet to the main building.

Accessory Use. A use customarily incidental and accessory to the principal use of a lot or of a main building or structure located upon the same lot as the accessory use.

Addition. An extension of or increase in the floor area of a building or structure.

Agent. Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities who represent or act for or on behalf of a applicant in selling or offering to sell any dwelling unit.

Agriculture. The tilling of the soil, the raising of crops, horticulture and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including a slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial viticulture, commercial animal and poultry husbandry, retail sales, the commercial packing or processing of products not grown on the premises or operations for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

Alley. A public or private way 25 feet or less in width that is primarily used for vehicular access to the back or side of properties. Alleys typically do not meet standard requirements for City streets, which include curbs, gutters, sidewalks, or similar improvements. Typically, alleys are separated from adjacent parcels by a lot line. An alley may have an official name and may be shown on the official street map of the City of Santa Barbara.

Alteration. An exterior change or modification. For the purposes of this title, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological or paleontological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves, including devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and arranged from a generally horizontal boom. It may be mounted upon and rotatable through a vertical mast interconnecting the boom and a support for the antenna.

Antenna, Cellular Telephone, and Two-Way and One-Way Paging Systems. Any radio or microwave repeating structure, and associated equipment and structures including microcells, used for transmitting or receiving radio signals for cellular telephones and pagers.

Antenna, Height Above Grade. The vertical distance from the ground to the point to be measured through the axis of the antenna, antenna support, or antenna tower.

Antenna, Radio or Television. Any antenna, and associated equipment and structures, used for transmission of commercial television and broadcast radio.

Antenna Support. Any devices for supporting an antenna which is other than a tower.

Antenna Tower. Any substantial wood or metal structure used to support one or more antennas and which is affixed to the ground or an existing structure. A tower may be self-supporting or supported by an existing structure or by guy wires.

Antennas, Emergency Service. Any antenna, and associated equipment and structures, used principally for communications related to government provided emergency services, including, but not limited to, police, fire, and paramedic services.

As-Graded. The extent of surface conditions on completion of grading.

Association. The organization of persons who own a lot, parcel, area, condominium or right of exclusive occupancy in a project.

Automated Teller Machine (ATM). An electronic device from which a person is able to withdraw cash, make a deposit, or undertake other financial transactions.

Automobile Service Station. A retail business establishment primarily supplying gasoline, other types of fuel, oil, minor accessories and services for motor vehicles, excluding painting, body work and steam cleaning.

Automobile Service Station/Mini-Market. A retail business establishment supplying gasoline, other types of fuel, oil and services for motor vehicles which also sells other products, merchandise or services that are not directly related to the operation of motor vehicles where such sale is by means other than vending machines.

Balcony. A cantilevered platform that projects from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story.

Bed and Breakfast Inn. The definitions of “Bed and Breakfast Inn” and “Hotel” are synonymous. See “Hotel.”

Bedroom. Any habitable room in a dwelling other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a habitable room).

Birth Center. A structure that contains facilities to assist in human births, but is not licensed as a hospital.

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Boarding House. A building, group of buildings or a portion of a building which is designed for or occupied as sleeping quarters for five or more paying guests and where meal service is included in the price of the lodging. A boarding house is not considered a single residential unit.

Building. Any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Height. The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included.

Building, Main. A building in which the principal use of the lot is conducted.

Bungalow Court. Three or more detached single or duplex dwellings located upon a single lot under one ownership, together with all open spaces as required by this title.

Car Wash. Any business whose activity involves washing, steam cleaning, or detailing motor vehicles.

Carport. A building with a solid weatherproof roof that is permanently open on at least two sides and is designed to shelter one or more vehicles. A carport may be freestanding or attached to another structure. A trellis or other similar structure is not considered a carport.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. A cellar shall not be counted as a story if the vertical distance from grade to ceiling is four feet or less on all sides.

Child Care Center. Any State-licensed child care facility other than a family day care home in which less than 24-hour per day non-medical care and supervision is provided in a group setting for children under 18 years of age.

Club. Any organization, group or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group or association, the chief activity of which is to render a service customarily carried on as a business.

Commercial. Managed on a business basis for profit derived from the promise or delivery of compensation, money, rent, or other bargained-for consideration in exchange for: (1) goods; (2) services; (3) rights or interests in property; or (4) any other valuable consideration.

Common Area. Common area is an entire project excepting all units therein granted or reserved.

Community Apartment. As defined in Section 11004 of the [Business and Professions Code](#).

Community Care Facility. A State-licensed facility, place or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited

to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, as further defined in Chapter 3 of Division 2 of the California [Health and Safety Code](#); but not including a group home.

Compaction. The act of increasing the density of a fill by mechanical means.

Condominium. As defined in Sections 783 and 1350 of the [Civil Code](#).

Condominium, Community Apartment. The development of land and attached structures as a condominium or community apartment project, regardless of the present or prior use of such land and structures, and regardless of whether substantial improvements have been made to such structures.

Condominium or Community Apartment Project. A plan by a developer to sell residential condominium or community apartment units in a building through conversion to condominium or community apartment status.

Condominium Unit. The elements of a condominium which are not owned in common with the owners of other condominiums in the project.

Congregate Dining Facility. A room or rooms which contain suitable space for group dining to feed all the residents of the facility in one or two sittings, accessible to and for the primary use of the residents of a State licensed residential facility for the elderly or similar residential facility. Such a facility shall provide full meal service for the residents which shall include at least two meals per day for seven days per week.

Court. An area open to the sky that is enclosed on at least three sides by walls, sometimes referred to as a courtyard.

Deck. An outdoor platform wholly or partially supported from the ground below, which may be surrounded by a railing, balustrade, or parapet. A deck can be freestanding or attached to a building.

Deck, Roof. A deck constructed above any top plate of a structure and which is designed to function as useable outdoor area.

Distance Between Buildings. The shortest distance measured from the exterior wall or supporting post(s) of a building to the nearest exterior wall or supporting post(s) of another building.

Drive-Through Facility. Drive-through facility means a motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and film deposit/pick-up establishments, but shall not include drive-in movies, gasoline stations, or car-wash operations.

Driveway. A minor private way that provides vehicular access from a street or alley to an on-site parking facility. Driveways may provide vehicular access for up to four lots or to multiple buildings on the same lot. Driveways are usually differentiated from private streets by shorter lengths, narrower widths, and the lack of curbs, gutters, sidewalks, street lights, and similar

improvements. Driveways are usually differentiated from alleys in that they are located on the lots to which they provide vehicular access, while alleys are normally separated from adjacent real property by a lot line. Except as otherwise specified in this title, setbacks do not apply to driveways.

Dwelling Unit. As used in this title, the terms dwelling unit and residential unit are synonymous.

Earth Material. Any rock, natural soil or fill or any combination thereof.

Educational Institution. An institution of learning giving general academic instruction equivalent to the standards prescribed by the State Board of Education; or, a non-profit institution or center of advanced study and research in the field of learning equivalent to or higher than the level of standards prescribed by the State Board of Education. An educational institution may include administrative offices, classrooms, technical and other support services directly related to the operations of the institution.

Emergency Shelter. Housing for homeless persons with minimal supportive services that is limited to a length of occupancy of not more than six months. Minimal supportive services shall mean administrative offices, intake and waiting areas, kitchen and dining facilities, and laundry facilities as long as the facilities are directly related to the operation of the emergency shelter or for the exclusive use of the residents of the emergency shelter. Homeless shelters providing more than minimal supportive services or supportive services to persons other than the residents of the shelter shall require a conditional use permit pursuant to Section 28.94.030.W of this title.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The mechanical removal of earth material.

Existing Grade. The grade prior to grading.

Family. A single residential unit or a person or group of persons living together as a domestic unit in a single residential unit.

Family Day Care Home. A State-licensed home which regularly provides care, protection, and supervision of children under 18 years of age in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as further defined and permitted pursuant to the California [Health and Safety Code](#) and other applicable State Regulations. The term "Family Day Care Home" includes the terms "Large Family Day Care Home" and "Small Family Day Care Home" as such terms are defined in Sections 1597.465 and 1597.44 of the California [Health and Safety Code](#).

Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.

Fill. A deposit of earth material placed by artificial means.

Finished Grade. The final grade of the site that conforms to the approved plan.

Floor Area, Net. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

1. **GENERAL RULE.** Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.
2. **SPECIAL RULES.**
 - a. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
 - b. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

Frontage of Block. That dimension along one side of a street between two intersecting streets, or between an intersecting street and the end of a street where such frontage is not between two intersecting streets.

Garage, Private. A building or portion of a building in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

Garden Apartment Development. A multiple-family residence development of four or more dwelling units of high quality designed to provide greater amenities than are normally provided in R-3 apartment developments, the plans and specifications, site development plans, landscaping plans and general appearance of which meet the approval of the Board of Land Use Controls.

Gazebo. A freestanding, open-sided, roofed structure.

General Plan. The comprehensive General Plan of the City of Santa Barbara together with all Specific Plans adopted by the City Council.

Grade. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. In case walls are parallel to and within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way. The term exterior wall shall include columns or other supporting members, whether free-standing or connected to a wall.

Grading. Any excavating or filling or combination thereof.

Group Home. The residence of a group of persons with mental or other handicaps, or otherwise disabled, which is organized as a single, relatively stable, bonafide housekeeping unit. Residents of a group home are a household for purposes of this code, and a group home is one residential unit.

The term “group home” does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn,

lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 days.

Guest Room. Any habitable room, except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Hazardous Waste. A waste, or combination of wastes, which because of the quantity, concentration or physical and chemical characteristics may either (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. Hazardous waste also includes those materials described in Title 22, Division 4.5, Chapter 11, California [Code of Regulations \(CCR\)](#).

Hazardous Waste Management Facility, Off-Site.

1. An “off-site hazardous waste management facility” means a facility that accepts hazardous wastes from more than one generator, and may also be referred to as a commercial or specified hazardous waste facility.
2. An off-site hazardous waste management facility shall include the following:
 - a. Hazardous Waste Transfer Station. “Hazardous waste transfer station” means a facility where hazardous waste from more than one source is collected and consolidated for shipment to a treatment, recycling and/or disposal facility or facilities. Transfer stations which handle only latex paint, used oil, antifreeze, spent lead acid batteries and/or small household batteries in accordance with provisions of California [Health and Safety Code](#) Section 25201(c) and meet all conditions for exemption outlined in California [Health and Safety Code](#) Section 25201(c), and are known as a household hazardous waste collection facility, are specifically excluded from this definition.
 - b. Hazardous Waste Storage Facility. “Hazardous waste storage facility” means a hazardous waste facility at which hazardous waste is contained for a period greater than 96 hours at an off-site facility with specified exceptions provided in the California [Health and Safety Code](#), Section 25123.3. On-site facilities which store hazardous wastes for periods of greater than 90 days shall be considered to be an Off-site Hazardous Waste Storage Facility.
 - c. Hazardous Waste Treatment Facility. “Hazardous waste treatment facility” means a facility where the toxicity, chemical form and/or volume of a hazardous waste is altered to render the waste less toxic, less chemically active, or of a reduced volume.
 - d. Hazardous Waste Recycling Facility. “Hazardous waste recycling facility” means a facility engaged in the process of reclaiming, using or reusing hazardous wastes.
 - e. Hazardous Waste Residuals Repository. “Hazardous waste residuals repository” means a disposal facility for the long-term storage of the byproducts of

treated hazardous waste for which there is no further means of practical treatment to render them less toxic or less chemically reactive.

Hazardous Waste Management Facility, On-Site. A facility that stores, treats, recycles and/or disposes of hazardous waste generated only within the facility's boundaries.

Hazardous Waste Management Plan. A plan prepared, adopted and amended from time to time, pursuant to Section 25135 of the California [Health and Safety Code](#) by Santa Barbara County to direct the management of hazardous wastes within the boundaries of the County. It is also known as the Hazardous Waste Element of the Santa Barbara County Comprehensive Plan.

Home Occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof or adversely affect the use or uses permitted in the zone in which the dwelling is located, and in connection with which there shall be no exterior display, no display windows, no stock in trade or commodity stored or sold upon the premises, no persons employed, and no mechanical, electrical or other specialized equipment used except such as is necessary for ordinary housekeeping purposes. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist courts, rest homes, insurance and real estate offices, dancing schools, retail stores, commercial manufacturing, animal hospitals, kennels, among others, and any business which requires a City permit or license, except licenses issued for revenue purposes only, shall not be deemed home occupations.

Hospice. A State-licensed facility which provides 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

Hotel. A building, group of buildings or a portion of a building which is designed for or occupied as the temporary abiding place of individuals for less than 30 consecutive days including, but not limited to establishments held out to the public as auto courts, bed and breakfast inns, hostels, inns, motels, motor lodges, time share projects, tourist courts, and other similar uses.

Household. A person, or a group of persons living together as a single, relatively permanent, bonafide housekeeping unit in a residential unit. Any reference in this code to "family" means "household." The term "household" does not include any center for the medical treatment of non-handicapped persons, halfway house, club, fraternity or sorority house, boarding house, dormitory, or the commercial use of property as a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, timeshare project or other temporary lodging where the term of occupancy, possession, or tenancy is fewer than 30 consecutive calendar days.

Household Hazardous Waste Collection Facility. A facility run by, or under contract to, a public agency which only accepts certain types of hazardous materials and then only for transport to an authorized recycling facility or to a permitted hazardous waste collection facility. The types of wastes that can be accepted are latex paint, used oil, antifreeze, spent lead-acid batteries and small household batteries in accordance with all provisions of

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California [Health and Safety Code](#) Section 25201(c). The materials cannot be stored for more than 180 days. Such facilities shall be accessible to individuals, households or small businesses.

Junk Yard. The term junk yard includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof.

Kitchen. Any room used or intended or designed to be used for cooking and/or preparation of food.

Lot. A parcel of land shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the County or a parcel of land held under separate ownership on the effective date of this title.

Lot, Corner. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Lot, Interior. A lot other than a corner lot.

Lot Line, Front. The line or lines dividing a lot from a public or private street. The line or lines that divide a lot from an alley or a driveway shall not be considered front lot lines. On lots that abut multiple streets, all lines that divide the lot from a street shall be considered front lot lines.

Lot Line, Interior. Any lot lines other than front lot lines.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Mezzanine. Mezzanine or mezzanine floor is an intermediate floor placed in any story or room. When the total area of any such mezzanine floor exceeds 33-1/3% of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a mezzanine floor construction shall be not less than seven feet.

Microcell. A small cellular transceiver facility installed at or below ground level and comprised of a utility cabinet, one or more small antennas mounted on a steel pipe, an existing public utility pole or existing structure, and transmitters with an effective radiated power not exceeding five watts per channel and not to exceed a total of 200 watts per facility.

Mixed Use Development. A development in which both nonresidential and residential uses are permitted on the same lot.

Mobilehome. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the California [Vehicle Code](#). Mobilehome includes a manufactured home, as defined in Section 18007 of the California [Health and Safety Code](#), and a mobilehome as defined in Section 18008 of the California [Health and Safety Code](#), but does not include a recreational vehicle as defined in this chapter and Section 18010 of the California [Health and Safety Code](#), or a commercial coach as defined in Section 18001.8 of the California [Health and Safety Code](#).

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Mobilehome Park. An area of land where two or more mobilehome spaces are rented, or held out for rent, to accommodate mobilehomes for more than 30 days.

Mobilehome Park Space. That portion of a mobilehome park set aside and designated for the occupancy of one mobilehome, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Modular Cooking Unit. A self-contained cooking and food preparation area shall be permitted when located in a state-licensed residential care facility for the elderly, community care facility, or hospice after a performance standard permit or conditional use permit is obtained pursuant to either Chapter [28.93](#) or Chapter [28.94](#) of this code. The modular cooking unit shall contain no more than a two-burner stove, oven or microwave oven, single compartment sink, refrigerator, utensil drawer(s), and cabinet(s) in one detachable module. The modular cooking unit shall not be larger than 18 square feet. Dishwashers and garbage disposals shall not be allowed. The modular cooking unit shall not be located in a room separated from other living areas, but could be located in a small recessed opening off other living areas.

Motel. The definitions of “Motel” and “Hotel” are synonymous. See “Hotel.”

Multiple Residential Unit. A building, or portion thereof, configured and/or occupied as three or more residential units and including apartment houses, [and may include one or more Accessory Dwelling Units](#), but not including hotels.

Nonconforming Building. A building, structure or portion thereof which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A use of a building or land which does not conform to the regulations of this title and which lawfully existed at the time the regulations with which it does not conform became effective.

Non-Transient Tenant. A person who has resided in a residential hotel for a period of more than 30 days as of the time a development application is submitted for that residential hotel.

Owner. Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be converted to commence, maintain, and complete proceedings to convert the same under this title.

Parcel. A general term including all plots of land shown with separate identification on the latest equalized county assessment roll. Parcels may or may not be separate lots, depending upon whether or not such parcels are created as required by the Subdivision Ordinance.

Patio. A hardscaped (e.g., concrete, tile, brick, stone, etc.) space, constructed on the ground, usually adjoining a building and intended for indoor-outdoor living and recreation. A patio may be surrounded by walls or roofed, but not both.

Planned Residence Development. One or more contiguous parcels of land in a single ownership or planning control which shall be planned and developed as a single unit, under

provisions of this title, in a manner which shall be in harmony with the basic characteristics of the land use zone district in which it is located.

Porch. A raised platform, usually roofed and sometimes partly enclosed with low walls, that extends along an outside wall of a building, usually at an entrance to a dwelling. A porch may also be referred to as a veranda.

Public Facility. A facility open to the public and owned or operated by a governmental entity.

Public Utilities. The general classification for public water, gas, sewer, electrical, cable television and telephone lines and facilities; does not include natural or improved drainage facilities.

Public Works Director. The Public Works Director or any of his or her deputies or assistants.

Quasi-Public Facility. A facility that is open to the public and has a public purpose but is not owned or operated by a governmental entity. A community center, a public museum, and an art gallery are examples of a quasi-public facility.

Recreational Vehicle.

1. RECREATIONAL VEHICLE. A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.
2. CAMPING TRAILER. A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy.
3. MOTOR HOME. A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.
4. SLIDE-IN CAMPER. A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper.
5. TRAVEL TRAILER. A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

Recreational Vehicle Park. Recreational vehicle park includes a permanent recreational vehicle park and overnight recreational vehicle park as defined in this chapter.

Recreational Vehicle Park (Overnight). Any area of land where two or more recreational vehicle spaces are rented, or held out for rent, to owners or users of recreational vehicles used for travel or recreational purposes for less than 30 days.

Recreational Vehicle Park (Permanent). An area of land where two or more recreational vehicle spaces are rented, or held out for rent, to accommodate recreational vehicles for residential purposes for 30 or more days.

Recreational Vehicle Space. That portion of a recreational vehicle park set aside and designated for the occupancy of one recreational vehicle, including any contiguous area designed or used for automobile parking, carport, storage, awning, cabana or other use which is clearly incidental and accessory to the primary use of the space.

Residential Care Facility for the Elderly. A housing arrangement where the residents are at least 60 years of age and where varying levels of care, supervision, or health-related services are provided to the residents based on their varying needs. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in such a facility, not to exceed 25% of the residents, as further defined in Chapter 3.2 of Division 2 of the California [Health and Safety Code](#).

Residential Hotel. A hotel or boarding house or similar residential facility where, on the date of the adoption of this chapter, the average duration of stay for the residents thereof exceeds 30 days.

Residential Unit.

1. A building or portion thereof designed or occupied for residential purposes, containing not more than one kitchen per residential unit, but not including hotels or boarding houses.
2. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:
 - a. Sink or bar sink;
 - b. Garbage disposal;
 - c. Dishwasher;
 - d. Toilet;
 - e. Bathing facility;
 - f. Interior locking doors;
 - g. Exterior entrance;
 - h. Exterior staircase;
 - i. Separate yard, patio, deck or balcony;
 - j. Separate phone line, cable line, or utility line;
 - k. Separate garage or parking area (covered or uncovered) or carport;
 - l. Countertops or cupboards;

- m. Sleeping loft; or
- n. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

3. Notwithstanding this section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

- a. A performance standard permit or conditional use permit has been issued pursuant to either Chapter [28.93](#) or Chapter [28.94](#) of this code; and
- b. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
- c. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents.

Rough Grade. The stage at which the grade approximately conforms to the approved plan.

School, Elementary or High. An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the [Education Code](#) of the State of California. High schools include junior and senior, parochial and private.

~~**Secondary Dwelling Unit.** A separate, complete housekeeping unit consisting of two or more rooms for living and sleeping purposes, one of which is a kitchen, and having a maximum square footage of 600 square feet, that is substantially contained within the structure of a one-family dwelling.~~

Self-Service Laundry. Any establishment for laundering where there is no pick-up or delivery service and no steam or hand laundry of any type; provided, however, that all washing machines and accessory extractors and dryers shall be installed on a single floor and there shall be no intermingling of customers' laundry.

Service Station. Service station includes both automobile service stations and automobile service station/mini-markets.

Setback, Front. An area between the front lot line and a line parallel to the front lot line bounded by the interior lot lines of the lot that are roughly perpendicular to the front lot line, the depth of such area being the distance required by this zoning ordinance. The front setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Setback, Interior. An area between an interior lot line and a line parallel to the interior lot line bounded by the two lot lines adjacent to the interior lot line from which the setback is measured, the depth of such area being the distance required by this zoning title. The interior setback is to be provided and maintained as an open space on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Single Residential Unit. A residential building configured as not more than one primary residential unit ~~and occupied by not more than one household, and up to one Accessory Dwelling Unit or one Junior Accessory Dwelling Unit located on a single lot.~~

Skilled Nursing Facility. A State-licensed health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs which provide skilled nursing and supportive care for patients on a less than continuous basis shall be considered skilled nursing facilities for the purposes of this chapter. “Skilled Nursing Facility” and “Intermediate Care Facilities” are further defined in Chapter 2, Division 2 of the California [Health and Safety Code](#).

Stock Cooperative. As defined in Section 11003.2 of the [Business and Professions Code](#).

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it. The number of stories in a building shall be construed to be the maximum number of stories through which any one of an unlimited number of possible vertical lines can pass, without passing through a wall, excluding certain mezzanines as provided in the definition for “Mezzanine.”

Street. A public or private way constructed for the primary purpose of vehicular travel. An alley or a driveway is not a street. The term “street” describes the entire legal right-of-way or easement (public or private), including, but not limited to, the traffic lanes, bike lanes, curbs, gutters, sidewalk whether paved or unpaved, parkways, and any other grounds found within the legal street right-of-way. The name given to the right-of-way (avenue, court, road, etc.) is not determinative of whether the right-of-way is a street.

Street Frontage. The length of the front lot line along an adjacent street. For the purpose of computing the street frontage of an irregularly shaped lot which is narrower at the front than at the rear, said measurement shall be along a straight line approximately parallel to the street and at a distance from the front property line equal to the front setback.

Street, Private. A street that is privately owned. Private streets do not appear on the official dedicated street map of the City of Santa Barbara. Private streets generally provide access to multiple lots or units and are usually named, unlike driveways. Private streets may be constructed to public street standards. Private streets are generally differentiated from driveways by larger widths, longer lengths, and may include public or private utilities. A private street may also be referred to as private road, lane, or drive.

Street, Public. Any street shown on the official dedicated street map of the City of Santa Barbara, as such map may be amended from time to time.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

Time Share Project; Time Share Estate; Time Share Use.

1. A “time-share project” is one in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
2. A “time-share estate” is a right of occupancy in a time-share project which is coupled with an estate in the real property.
3. A “time-share use” is a license or contractual or membership right of use in a time-share project which is not coupled with an estate in the real property.

Tourist Court. The definitions of “Tourist Court” and “Hotel” are synonymous. See “Hotel.”

Trellis. A structure or frame supporting open latticework, sometimes referred to as a pergola or arbor. A trellis is not considered an accessory building.

Two-Residential Unit. A building configured and/or occupied as not more than two residential units.

Vertical. Perpendicular to the plane of the horizon.

Yard.

1. A yard is an open space, on a lot or parcel of land, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
2. It is the intent of this title to require yard area in all residential zones, which shall be adequate to provide light and air, separation of buildings, privacy of occupancy, reduction of fire hazards, control of building density, enjoyment of occupants, and preservation of residential amenities.
3. For the purpose of this title, open parking of automotive vehicles, trailers and boats shall be considered as an obstruction.

Yard, Front. A yard extending across the full width of the lot between the front lot line and the nearest wall of any main building on the lot. This yard shall be measured by extending perpendicular lines from each point of the front lot line to the nearest wall of any main building on the lot. Where there is no wall of any main building on the lot which intercepts said perpendicular lines, said yard will terminate at a point determined by extending a line parallel to the front lot line from the corner of the front elevation of the main building to the nearest lot line. The front elevation of a building is any elevation that faces a street. If the corner of the front elevation is rounded (i.e., a tower), the corner of the elevation shall be established by drawing the smallest square or rectangle that will enclose the round element and extend the line from the corner of the superimposed square or rectangle that is closest to the front lot line.

Yard, Open. A required yard, the purpose of which is to provide usable outdoor living space and/or visual open space.

Yard, Primary Front. A front yard, on a lot with multiple front yards, designated by the property owner and approved by the Community Development Director or the Director's designee as the primary front yard. All other front yards on the lot shall be secondary front yards.

Yard, Remaining Front. The area of the front yard outside the required front setback.

Yard, Secondary Front. Any front yard on a lot with multiple front yards that is not designated as the primary front yard.

SECTION 3. Section 28.15.030 and Section 28.15.083 of Chapter 28.15 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.15.030 Uses Permitted.

- A. A single residential unit occupying a single lot, or a group home.
- B. Accessory buildings or uses as follows:
 - 1. An accessory dwelling unit or junior accessory dwelling unit subject to the provisions in Chapter 28.86 of this title
 - ~~1.2.~~ A private garage, carport or parking spaces.
 - ~~2.3.~~ Work or storage sheds for any non-commercial use or equipment.
 - ~~3.4.~~ The keeping of horses and necessary outbuildings in conjunction with the residential use of a lot and subject to the following conditions:
 - a. The keeping of horses shall be permitted only on lots having an area of 20,000 square feet or more, but in no event for commercial purposes, and provided that the number of animals on any one lot shall be limited to one for every 10,000 square feet of lot area, but not more than five per lot.
 - b. The keeping of such animals shall conform to all other provisions of law governing same, and no such animals nor any pen, stable, barn or corral shall be kept or maintained within 35 feet of any dwelling or other building used for human habitation, or within 75 feet of the front lot line of the lot upon which it is located, or within 75 feet of any public park, school, hospital or similar institution.
 - c. The keeping of any other animal is only permitted pursuant to the provisions of Title 6 of the Santa Barbara Municipal Code.
- C. A home occupation.
- D. A State-licensed small family day care home.
- E. A State-licensed large family day care home, subject to the provisions in Chapter 28.93 of this title.

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F. State authorized, licensed or certified use to the extent it is required by State Law to be an allowed use in residential zones.

G. A mobilehome which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), as amended from time to time, on an approved permanent foundation.

H. Agriculture, as defined in Chapter [28.04](#) of this title, subject to administrative guidelines necessary to monitor and carry out these standards which may be adopted and amended from time to time by resolution of the City Council and subject to the following performance standards:

1. Accessory Buildings. Accessory buildings for agricultural purposes shall not exceed 500 square feet in aggregate and shall be located a minimum of 100 feet from any property line. Accessory buildings used for agricultural purposes may be placed on a parcel without a main building. Accessory buildings shall not be placed on ridgelines or in such a manner that the peak of the roof exceeds the ridgeline elevation by more than six feet. All accessory buildings shall be placed outside of the 100-year floodplain of any creeks or drainages on the property. Building siding and roof colors shall be in earth or vegetation tones to minimize visibility unless otherwise approved by the Architectural Board of Review or the Historic Landmarks Commission. If an applicant proposes an agricultural accessory building in excess of 500 square feet in area, the applicant may apply for a modification under Chapter [28.92](#) of this title.
2. Storage Requirements. All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the [California Fire Code](#) and Santa Barbara County Department of Health Services or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain 110% of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
3. Large Vehicles. No vehicles in excess of five tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City of Santa Barbara.
4. Sanitation. Sanitary facilities shall be provided for agricultural workers as required by the Santa Barbara County Division of Environmental Health and the California Occupational Safety and Health Administration.
5. Water Meters. All agricultural operations involving an area of one-half acre or greater shall be placed on "Irrigation" water meters, as defined by authorization of Title 14 of this code.
6. Irrigation Systems. All new or retrofitted agricultural irrigation systems for agricultural uses other than those carried out in greenhouses, shall be designed in accordance with the standards of the Soil Conservation Service for water conserving irrigation.

I. Improvements and additions of 500 square feet or less to existing Public Works Facilities including, but not limited to, sewer lift stations, pump stations, water wells, pressure reducing stations, generator enclosures, minor improvements to existing water storage reservoirs and other miscellaneous structures incidental to or improving the existing use. Standard construction conditions may be imposed on the building permit as deemed appropriate by the Community Development Director.

28.15.083 Maximum Net Floor Area (Floor to Lot Area Ratio)

A. APPLICATION. The provisions of this section shall only apply to lots within these zones that have less than 15,000 square feet of net lot area and which are, or are proposed to be, developed with a main or accessory building that is either: (1) two or more stories tall, or (2) has a building height of 17 feet or more.

B. DEFINITIONS. For purposes of this section, the following definitions shall apply:

1. Net Floor Area of a Building. The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

a. General Rule. Net floor area is the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five feet above the finished floor.

b. Special Rules.

(i) Stairs and Elevators. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.

(ii) Small Accessory Buildings. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.

(iii) Basements and Cellars. The net floor area calculation for a basement or cellar shall be reduced by 50% if the vertical distance from grade to ceiling is four feet or less for at least one-half of the length of the perimeter of the basement or cellar. The floor area of a basement or cellar shall be excluded from the calculation of net floor area if the vertical distance from grade to the ceiling is four feet or less for the entire length of the perimeter of the basement or cellar. For purposes of the exclusion of floor area, one section of the basement or cellar perimeter length, not exceeding five feet in length, may have a distance from grade to ceiling greater than four feet in order to allow for an exterior door, and the basement or cellar may still qualify for the exclusion if the door is located outside the required front setback.

(iv) ~~Secondary Accessory~~ Dwelling Units. Net floor area within a portion of a building that is designed and permitted as ~~an secondary accessory~~ dwelling unit ~~or junior accessory dwelling unit~~ pursuant to ~~Section 28.94.030.Z Chapter~~

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28.86 of this title shall be ~~excluded~~-included in ~~from~~ the net floor area calculation.

(v) Carports. The area within the exterior walls or supporting columns of a carport shall be included in the calculation of net floor area.

2. Net Floor Area on a Lot. The net floor area on a lot shall be the sum of the net floor area of all existing and proposed buildings on the lot.

3. Net Lot Area. The total horizontal area within the lot lines of a lot subtracting the horizontal area within any public rights-of-way on the lot.

C. MAXIMUM NET FLOOR AREA (Floor to Lot Area Ratio). For purposes of this section, the maximum net floor area of a lot shall be calculated according to the following formulae:

NET LOT AREA (SQ. FT.)	MAXIMUM NET FLOOR AREA (SQ. FT.)
Less than 4,000	2,200
4,000 to 9,999	1,200 + (.25 multiplied by the net lot area)
10,000 to 14,999	2,500 + (.125 multiplied by the net lot area)

D. PRECLUDED DEVELOPMENT. No application for a building permit may be approved for any project that will: (1) result in an increase of the net floor area on the lot, (2) change the location of any floor area on the second or higher story of any building on the lot, or (3) increase the height of any portion of a building on the lot to a building height of 17 feet or higher if either of the following is true regarding the project:

1. The net floor area on the lot will exceed the maximum net floor area for the lot as calculated pursuant to this section, or

2. The net floor area on the lot will exceed 85% of the maximum net floor area for the lot as calculated pursuant to this section and any of the following conditions apply to the lot:

a. The average slope of the lot or the building site (as calculated pursuant to Section 28.15.080 of this code) is 30% or greater, or

b. The building height of any new or existing building or structure on the lot is in excess of 25 feet, or

c. The lot is located in the Hillside Design District established in Section 22.68.080 of this title and the application proposes 500 or more cubic yards of grading outside the footprint of the main building (soil located within five feet of an exterior wall of a main building that is excavated and recompact shall not be included in the calculation of the volume of grading outside the building footprint).

SECTION 4. Section 28.18.060, Section 28.18.070 and Section 28.18.075 of Chapter 28.18 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.18.060 Setback, Open Yard, and Private Outdoor Living Space Requirements.

The following setback, open yard, and private outdoor living space requirements shall be observed on all lots within the R-2 zone:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot as follows:

1. Ground floor of any building or structure: 15 feet
2. Upper story portion of a multiple story building or structure: 20 feet
3. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street: 15 feet
4. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. Buildings and structures other than covered parking: 6 feet
2. Covered or uncovered parking: 3 feet

C. Open Yard and Private Outdoor Living Space. An open yard shall be provided on all lots within this zone. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this subsection C:

1. General Rules. In this zone, open yards shall conform to the following dimension, location, and configuration requirements:

- a. Minimum Size. Total area of at least 1,250 square feet of lot area.
- b. Minimum Dimensions. The open yard may be provided in one area or in multiple areas; however, each area of open yard shall be at least 20 feet long and 20 feet wide measured in perpendicular directions.
- c. Common Area or Assigned. The open yard may be provided as a common open yard or as private open yard assigned to individual units.
- d. Location and Configuration. The open yard may consist of any combination of ground level areas such as patios, ground floor decks, pathways, landscaped areas, natural areas, flat areas, or hillsides, so long as the overall size and dimensions of the open yard area meet the requirements specified in these general rules and the open yard is not located in any of the following locations:
 - i. Any portion of the front setback; however, up to 850 square feet of the open yard may be provided in the remaining front yard,

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- ii. Any areas designated for use by motor vehicles, including, but not limited to, driveways and parking areas, or
 - iii. On decks, patios, terraces, or similar improvements where the maximum height of the improvement above existing or finished grade, whichever is lower, is greater than 36 inches.
2. Additional Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Four or More Dwelling Units.
- a. Common Open Yard. On lots developed with four or more dwelling units, a common open yard shall be provided that meets the size, dimensional, and location requirements specified in the general rules.
 - b. Private Outdoor Living Space. In addition to the required common open yard, lots developed with four or more dwelling units shall provide private outdoor living space for each dwelling unit of not less than the size specified below based on the number of bedrooms in the dwelling unit:
 - i. Studio Unit: 100 square feet
 - ii. 1 Bedroom Unit: 120 square feet
 - iii. 2 Bedroom Unit: 140 square feet
 - iv. 3+ Bedroom Unit: 160 square feet.

The minimum dimensions of the private outdoor living space shall be at least 10 feet long and 10 feet wide measured in perpendicular directions. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in paragraphs c, e, f, g, and h of Section 28.21.081.A.1 of this code.

~~3.—Alternative Open Yard and Private Outdoor Living Space Requirements for Lots Developed with Accessory Dwelling Units Pursuant to Section 28.18.075.E.~~

- ~~a.—Common Open Yard. On any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E, a common open yard shall be provided that meets the following size, dimension, and location and configuration requirements:~~
 - ~~i.—Minimum size: The open yard may be provided in one area of at least 600 square feet, or two areas, each of which must be at least 300 square feet.~~
 - ~~ii.—Minimum dimensions: Each area of open yard shall be at least 10 feet long and 10 feet wide measured in perpendicular directions.~~
 - ~~iii.—Location and configuration: The common open yard shall observe the location and configuration requirements specified in the general rules, except that any amount of the common open yard may be located in the remaining front yard.~~
- ~~b.—Private Outdoor Living Space. In addition to the required common open yard, any lot developed with an Accessory Dwelling Unit pursuant to Section 28.18.075.E shall provide private outdoor living space for each dwelling unit of not~~

~~less than the size specified below, based on the number of bedrooms in the dwelling unit:~~

- ~~i. Studio Unit: 60 square feet~~
- ~~ii. 1 Bedroom Unit: 72 square feet~~
- ~~iii. 2 Bedroom Unit: 84 square feet~~
- ~~iv. 3+ Bedroom Unit: 96 square feet~~

~~The minimum dimensions of the private outdoor living space shall be at least 6 feet long and 6 feet wide measured in perpendicular directions. The private outdoor living space may be provided by a patio, balcony, porch, deck, or similar improvement on the ground or on any upper floor. The private outdoor living space may be provided in the primary or secondary front setback, provided that it observes a setback of at least 9 feet from the front lot line. In addition, private outdoor living space provided pursuant to this paragraph shall observe the requirements specified in paragraphs b, c, e, f, and g of Section 28.21.081.A.1 of this code.~~

4.3. Exception to Location Requirement for Lots with Multiple Front Yards. On lots with multiple front yards, the following exception to the location requirement specified in the general rules or any applicable additional requirements is available: an open yard may include area in a secondary front yard as long as the open yard observes a 10 foot setback from the front lot line.

28.18.070 Distance Between Buildings on the Same Lot.

~~No main building shall be closer than 15 feet to any other main building on the same lot, except that a one story building shall be no closer than 10 feet to another one story building.~~

~~A. GENERAL SEPARATION REQUIREMENTS. No main building shall be closer than 15 feet to any other main building on the same lot, except that a one story building shall be no closer than 10 feet to another one story building.~~

~~B. ACCESSORY DWELLING UNIT SEPARATION. Notwithstanding subsection A above, no portion of a one story accessory dwelling unit constructed pursuant to Section 28.18.075.E may be closer than five feet to another one story main building nor may a two story accessory dwelling unit or a main building be closer than 10 feet to another two story accessory or main building.~~

28.18.075 Lot Area and Frontage Requirements

A. NEWLY-CREATED LOTS. Every lot hereafter created in an R-2 Zone shall contain at least 7,000 square feet and 60 feet of frontage on a public street.

B. LOTS BETWEEN 6,000 AND 6,999 SQUARE FEET. Existing lots between 6,000 and 6,999 square feet of net lot area, inclusive, may be used as if it had 7,000 square feet of lot area.

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C. LOTS WITH LESS THAN 6,000 SQUARE FEET. Existing lots of less than 6,000 square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

D. MINIMUM AREA PER DWELLING UNIT FOR STANDARD LOTS. For lots of 7,000 square feet or more, there shall be provided a lot area of 3,500 square feet or more for each dwelling unit hereafter erected.

~~E. ACCESSORY DWELLING UNITS ON CERTAIN R-2 LOTS. Notwithstanding other requirements of this chapter, for an R-2 lot with a total lot area of between 5,000 and 6,000 square feet, two dwelling units on such lot may be allowed subject to the following requirements:~~

~~1. Unit Size. One dwelling unit may have no more than three bedrooms and no more than 1,200 square feet of Habitable Dwelling Space and the other dwelling unit may have no more than one bedroom and no more than 600 square feet of Habitable Dwelling Space, provided that where appropriate in the determination of the Community Development Director, such maximum Habitable Dwelling Space square footage may be allocated differently between the two units provided the amount of Habitable Dwelling Space on one lot in no case exceeds a total of 1,800 square feet;~~

~~2. Private Storage Space. Each dwelling unit shall have at least 200 cubic feet of enclosed, weatherproof, lockable, and separate storage space in addition to the guest, linen, pantry, and clothes closets customarily provided exclusively for the use of the occupants of the dwelling unit. Such storage space shall be accessible from the exterior of the unit for which it is provided.~~

~~3. Accessory Unit Parking Requirements. Notwithstanding the parking requirements established for Two-Family Dwelling units on standard-sized lots in excess of 6,000 square feet as provided in Section 28.90.100.G.2, a two-dwelling unit development that meets the criteria delineated in this subsection shall provide not less than two covered and one uncovered parking spaces. Two of such parking spaces shall be allocated to the larger unit and the remaining space shall be allocated to the smaller unit through the use of appropriate signage on the site. Any such uncovered parking space may be provided in a tandem parking arrangement provided that both of the tandem parking spaces are allocated to the larger dwelling unit. Tandem parking spaces may be constructed within a nonconforming interior setback area under circumstances where the setback of the parking area remains consistent with the setback of a pre-existing nonconforming garage structure. The Community Development Director may require the recordation of a parking site plan in the official records of Santa Barbara County with respect to the lot involved for the purposes of memorializing the permanent use and availability of the required parking spaces as allocated to each permitted dwelling unit.~~

~~4. Nonconforming Garages. Notwithstanding other provisions of this chapter to the contrary, a lot containing a garage or parking structure which is nonconforming as to its interior setback may be maintained or reconstructed in its same location in accordance with the requirements of Section 28.87.030.D or, in connection with the construction of~~

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~~an accessory dwelling unit pursuant to this subsection, it may be expanded in size along the nonconforming setback line so long as the expansion is to make the structure more in conformance with the City's Uniform Construction Code requirements or with City Parking Design Standards for Accessory Dwelling Units in R-2 Zone adopted pursuant to this subsection.~~

~~5.—Condominium Units Not Allowed; ABR Review. Notwithstanding other provisions of this code, including specifically but not limited to Section 28.88.120.B, the subdivision of a development of two family dwellings pursuant to this subsection, either as a new development or as a conversion of an existing two-family dwelling, shall be governed by the requirements of Section 27.13.040. In addition, an application to develop a lot with an accessory dwelling unit pursuant to this subsection shall receive design review approval from the Architectural Board of Review in accordance with the requirements of Section 22.68.020.B as noticed in accordance with the requirements of Section 22.68.040.~~

~~6.—Not Applicable To Sloped Lots. The provisions of this subsection E shall not apply to any lot with an average slope of 10% or greater as calculated pursuant to the formula specified in subsection F below.~~

F.E. R-2 LOT SLOPE DENSITY. The minimum lot areas specified in this section shall be increased by the following factors where the average slope of the parcels falls within the percent of average slope ranges given:

Factor	Percent of Average Slope
1.5 times minimum lot area	10% to 20%
2.0 times minimum lot area	20% to 30%
3.0 times minimum lot area	over 30%

“Average slope” of a parcel of land or any portion thereof shall be computed by applying the formula ($S = .00229 \text{ IL divided by A}$) to the natural slope of the land, before grading is commenced, as determined from a topographic map conforming to National Mapping Standards and having a scale of not less than 1 inch equals 200 feet and a contour interval of not less than five feet. The letters in this formula shall have the following significance:

S = The average slope of the land in percent.

I = The contour interval in feet.

L = The combined length of all contours in feet, excluding the length of contours in drainage channels and in natural water courses below the 25 year flood level.

A = The net area of parcel or portion thereof, in acres, after deducting all areas in drainage channels below the 25 year flood level, for which the slope is to be determined.

G.F. HABITABLE DWELLING SPACE - DEFINED. For the purpose of this section, the term “Habitable Dwelling Space” shall be calculated to include all building square footage as

measured from the inside of the walls of the building, excluding the square footage of the garage.

SECTION 5. Section 28.44.070, Section 28.44.110 and Section 28.44.120 of Chapter 28.44 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.44.070 Exclusions and Exemptions.

The following categories of development, through subsection C, are categorically excluded from the coastal development permit requirements of this chapter pursuant to Categorical Exclusion Order E-86-03 as amended by Categorical Exclusion Order E-06-1 and certified by the California Coastal Commission:

A. **TIME-SHARE CONVERSION EXCLUSION.** Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the [Business and Professions Code](#). If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the [Civil Code](#), shall not be considered a time-share project, estate, or use for purposes of this subdivision.

B. **VESTED RIGHTS EXCLUSION.** Any development which, on the effective date of this subsection, has a valid approval from the Coastal Commission shall be considered to have a vested right until such time as said approval expires or lapses; provided, however, that no substantial change may be made in any such development without prior Coastal Commission and City approval having been obtained by the developer.

C. **SINGLE FAMILY RESIDENCE EXCLUSIONS.**

1. Construction of one single family residence on an existing vacant parcel in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara.

2. Demolition and reconstruction of an existing single family residence in the area designated as Non-Appealable on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Santa Barbara. Notwithstanding the exclusion specified in this paragraph, if an application for demolition and reconstruction of an existing single family residence is submitted for a lot that either: (1) contains a City Landmark or Structure of Merit, (2) contains or is within 100 feet of archeological or paleontological resources, or (3) contains or is within 100 feet of an environmentally sensitive habitat area, stream, wetland, marsh, or estuary, regardless of whether such resources are mapped or unmapped, then the application shall require a coastal development permit.

The following categories of development, through the end of this section, are exempt from the coastal development permit requirements of this chapter pursuant to Section 30610 of the

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Public Resource Code and Sections 13250—13253 of Title 14 of the [California Administrative Code](#).

D. SINGLE FAMILY RESIDENCE EXEMPTION. Improvements to existing single-family residences including an attached accessory dwelling unit or a junior accessory dwelling unit; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a coastal development permit, as provided for in Section 13250 or Section 13553 of Title 14 of the California Administrative Code, as amended from time to time. Attached accessory dwelling units and accessory dwellings units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of Section 28.86 are exempt from obtaining a Coastal Development Permit. A junior accessory dwelling unit that is created from at least one existing bedroom and is entirely within an existing single-family residence and does not change the building envelope is not considered development and is not subject to the LCP.

E. OTHER CONSTRUCTION EXEMPTION. Improvements to any structure other than a single family residence or a public works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a coastal development permit, as provided in Section 13253 of Title 14 of the [California Administrative Code](#), as amended from time to time.

F. MAINTENANCE OF NAVIGATION CHANNEL EXEMPTION. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

G. REPAIR OR MAINTENANCE EXEMPTION. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a coastal development permit, as provided in Section 13252 of Title 14 of the [California Administrative Code](#), as amended from time to time.

H. UTILITY CONNECTIONS EXEMPTION. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this chapter; provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

I. REPLACEMENT OF EXISTING STRUCTURES DESTROYED BY NATURAL DISASTER EXEMPTION. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and

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shall be sited in the same location on the affected property as the destroyed structure. As used in this subsection I, the term:

1. “Disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
2. “Bulk” means total interior cubic volume as measured from the exterior surface of the structure.
3. “Structure” includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

J. TEMPORARY EVENT EXEMPTION.

1. Definitions. For the purposes of this subsection J, the following words and phrases shall be construed as set forth below:

- a. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.
- b. Limited Duration. A period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.
- c. Non-Permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.
- d. Temporary Event. An activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.
- e. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
- f. Sandy Beach Area. Includes publicly-owned and privately-owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

2. General Rule. Except as provided in paragraph 4 below, every temporary event is excluded from the coastal development permit requirements under this chapter, unless the temporary event meets all of the following criteria:

- a. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and
- b. The event occupies all or a portion of a sandy beach area; and

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- c. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).
- 3. Other Exclusions. The Community Development Director may also exclude a temporary event that satisfies all of the criteria specified in paragraph 2 above, if:
 - a. The fee is for preferred seating only and 75% of the provided seating capacity is available free of charge for general public use; or
 - b. The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
 - c. The event is less than one day in duration; or
 - d. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
- 4. Special Circumstances. The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a coastal development permit, even if the criteria specified in paragraph 2 above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:
 - a. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
 - b. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in paragraph 1 of this subsection;
 - c. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or
 - d. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.

28.44.110 Authority to Review.

Where a coastal development permit is required pursuant to Section [28.44.060](#), the authority to review an application for a coastal development permit is designated as follows:

A. APPEALABLE DEVELOPMENT.

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1. Planning Commission. The Planning Commission shall review all applications for coastal development permits for proposed development in the appealable area unless authority is granted to the Staff Hearing Officer pursuant to paragraph 2 below.
2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the appealable area when:
 - a. The proposed development requires another discretionary action by the Staff Hearing Officer under any other provision of this code; or
 - b. The proposed development involves single family residential development unless the proposed development:
 - i. is located less than 50 feet from the edge of any coastal bluff or the inland extent of any beach; or
 - ii. is located seaward of the seacliff retreat line as defined in the City of Santa Barbara Coastal Plan; or
 - iii. involves an improvement that increases the internal floor area of any structure by more than 500 square feet; or
 - iv. involves a second story improvement; or
 - v. requires a discretionary action by the Planning Commission under another provision of this code.

B. NON-APPEALABLE DEVELOPMENT.

1. Planning Commission. The Planning Commission shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development requires another discretionary action by the Planning Commission under any other provision of this code.
2. Staff Hearing Officer. The Staff Hearing Officer shall review applications for coastal development permits for development proposed in the non-appealable area when the proposed development does not require another discretionary action by the Planning Commission under another provision of this code.

C. ~~SECONDARY ACCESSORY~~ DWELLING UNITS. When a proposed development only involves the addition of a ~~secondary detached accessory~~ dwelling unit to an existing single family residence, or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, the application shall be reviewed by the Staff Hearing Officer without a public hearing in accordance with ~~subdivision (j) of Government Code s~~Section 65852.2. The Staff Hearing Officer shall not issue a decision on the application until at least 10 calendar days after notice having been given pursuant to Section 28.44.130. The Staff Hearing Officer may receive written comments regarding the application and consider such written comments during the review of the application, but the Staff Hearing Officer shall not conduct a public hearing on the application. The decision of the Staff Hearing Officer concerning an application for a coastal development permit pursuant to this subsection C shall constitute the final action of the City.

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In the appealable area, decisions of the Staff Hearing Officer made pursuant to this subsection C may be appealed to the Coastal Commission in accordance with Section 28.44.200. Actions on applications to construct secondary-accessory dwelling units shall be consistent with the provisions of the applicable zone and the policies and development standards of the City of Santa Barbara's certified Local Coastal Program and Chapter 3 of the California Coastal Act. Review of a coastal development permit application for an an secondary accessory dwelling unit as an addition to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development, shall comply with all procedures and development standards of this chapter, aside from the requirements to conduct a public hearing and City appeals as described in Section 28.44.120, 28.44.140, and 28.44.160.

28.44.120 Public Hearing.

At least one public hearing shall be held on each application requiring a coastal development permit, with the exception of applications that only include the addition of an an accessory secondary dwelling unit to an existing single family residence or any proposed accessory dwelling unit on a lot developed with two-residential unit, multiple residential unit, or mixed use development pursuant to Section 28.44.110.C. The Planning Commission or the Staff Hearing Officer, as designated in Section 28.44.110, shall hold the public hearing regarding the coastal development permit concurrently with any other required public hearing or hearings before the reviewing body for any other applications regarding the proposed development.

SECTION 6. Section 28.94.030 of Chapter 28.94 of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

28.94.030 Uses Permitted in Specific Zones.

The following uses may be permitted in the zones herein indicated upon the granting of a Conditional Use Permit, except that where another section of this title specifically allows such use in a zone in conflict with this section, the provision of such other section shall apply and a Conditional Use Permit shall not be required.

- A. Church in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H-C, HRC-1, HRC-2, OM-1 and OC zones.
- B. Convent and monastery in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, C-X, H-C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- C. Educational institution in the A-1, A-2, E-1, E-2, E-3, R-1, R-2, R-3, R-4, C-1, C-P, C-L, C-O, R-O, C-X, H C, HRC-1, HRC-2, OC, M-1, and OM-1 zones.
- D. Golf course or driving range (but excluding miniature golf) in any zone.
- E. Outdoor tennis club and lawn bowling club in the A, E and R Zones. Normal clubhouse facilities such as pro shop, coffee shop, administrative offices, lounge, etc. may be allowed

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in connection with a private club only, provided that such uses shall be clearly shown to be incidental and accessory to the outdoor recreational use of the premises, and that the clubhouse facilities shall be available only to the club members and their guests.

1. It is hereby declared that in addition to being special uses as set forth in Sections [28.94.001](#) and [28.94.005](#), the uses permitted under this subsection are of such a nature that it is impractical to establish in advance of development the minimum requirements for parking, site area, setbacks, hours or manner of operation, lighting, landscaping, or other standards usually applied to classes or types of use, and that distinct and different performance and development standards must be applied to each individual facility proposed to be established under these provisions.
 2. This declaration is based on the fact that the type of club permitted by these provisions will usually be within the City area, unique in terms of the facilities provided, activities conducted, method and intensity of operation, relationship to topography and impact on surrounding urban development and potential, and that meaningful minimum standards can only be established in relation to the particular features of each individual development.
 3. In lieu of prescribing herein minimum performance and development standards, the Planning Commission shall, as a part of any Conditional Use Permit issued to permit the establishment of outdoor tennis or lawn bowling clubs under this subsection, make the following findings and impose conditions necessary to secure and perpetuate the bases for such findings:
 - a. That the total area of the site and the setbacks of all facilities from property and street lines are of sufficient magnitude in view of the character of the land and of the proposed development that significant detrimental impact on surrounding properties is avoided.
 - b. That the prescribed hours and days of operation of the various facilities of the club are such that the character of the area is not altered or disturbed.
 - c. That the design and operation of outdoor lighting equipment will not be a nuisance to the use of property in the area.
 - d. That adequate access and off-street parking is provided in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time.
 - e. That the appearance of the developed site in terms of the arrangement, height, scale and architectural style of the buildings, location of parking areas, landscaping and other features is compatible with the character of the area.
- F. Planned unit development in A, E and R-1 Zones in accordance with the provisions of Chapter [28.36](#) of this title.
- G. Planned residence development in the A, E and R-1 Zones, subject to provisions of Chapter [28.33](#) of this title.

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H. Child care centers in the A, E, R-1, R-2, R-3, R-4, R-O, C-O and C-X zones, subject to the following conditions, standards and limitations:

1. Location of Play Areas. Outdoor play areas shall be located in a manner that is compatible with the character of the surrounding area, that minimizes significant detrimental noise impacts to adjacent properties, and that complies with the minimum standards of State Law.

2. Passenger Loading. Facilities shall be provided for loading and unloading passengers, and shall be subject to the review and approval of the Planning Commission taking into consideration the recommendation of the Transportation Engineer.

I. Driveways and parking areas for nonresidential uses in residential zones.

J. Boarding house in the R-2, R-3 and R-4 Zones.

K. Club and lodge in the R-3, R-4 and R-O Zones.

L. Garden apartments in the R-2 Zone, subject to the provisions of Chapter [28.30](#) of this title.

M. Hospitals, skilled nursing facilities and other similar buildings and facilities for the treatment of human ailments where facilities are provided for the keeping of patients overnight or longer, in the R-4, C-O, C-P, C-1, C-2 and C-M Zones.

N. Restaurant in the R-4 Zone, provided there is a minimum of 100 established hotel-motel guest rooms within 500 feet from the boundary of the proposed restaurant site. The 100 established hotel-motel guest rooms within 500 feet may be used to support any number of restaurants within the affected area.

O. Establishment or enterprises which involve large assemblages of people on more than four occasions per year, including, but not limited to, any open air theater, Certified Farmers Market, street market, trade fair, trade exchange, recreational or sport center, in the C Zones.

P. Automobile wrecking in the C-M and M-1 Zones.

Q. Car wash, auto polishing, auto steam cleaning establishment in the C-1, C-P and C-2 Zones, provided that such installation shall be subject to the noise restrictions established in Chapter [28.60](#) of this title.

R. State-licensed residential care facilities for the elderly, community care facilities and hospices serving more than 12 individuals in the A, E, R, and C Zones.

1. Standards.

a. If a new residential care facility for the elderly, community care facility or hospice which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may include modular cooking units without being counted as residential units.

b. If an existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit includes a staffed congregate kitchen and dining facility providing regular meals to residents, living units may be converted to include modular

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cooking units without being counted as residential units under the provisions of a new Conditional Use Permit.

c. If a new or existing residential care facility for the elderly, community care facility or hospice as of the effective date of this chapter, which is subject to a Conditional Use Permit does not include a congregate dining facility, but does include kitchens in its living units, living units shall be counted as residential units.

d. Recreational facilities and skilled nursing facilities intended primarily for the residents may be allowed in connection with residential care facilities for the elderly, community care facilities or hospices provided that such uses are incidental and accessory thereto. The use of the facilities by persons other than residents and staff may be limited.

2. Findings.

a. For new State licensed residential care facilities for the elderly, community care facility or hospice, in addition to the findings required under Section [28.94.020](#), the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

i. The facility will generate a demand for resources such as water, traffic, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, and such resources are available in amounts adequate to service the proposed facility.

ii. The intensity of use in terms of the number of people, hours of operation, hours of major activities, and other operational aspects of the proposed facility is compatible with any neighboring residential use.

iii. The proposed facility shall be able to be converted to a density which conforms to the residential unit density of the underlying zone. Sufficient land area has been shown to be available to meet the parking demand of a future use.

b. For existing State-licensed residential care facilities for the elderly, community care facility or hospice as of the effective date of this chapter requesting an alteration or modification, in addition to the findings required under Section [28.94.020](#), the Planning Commission or City Council on appeal must find upon a showing of adequate information that:

i. The proposal has been reviewed and approved by the City Fire Marshall and the City Building Official.

ii. The facility will generate a demand for resources such as water, traffic and parking capacity, and other public services equivalent to no more than that which would be demanded by development of the property in accordance with the underlying zone, or if existing resource use exceeds the underlying zone, then resource use shall be equivalent to no more than that of the existing use.

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iii. The intensity of use in terms of the number of people, hours of operation, hours of major activities and other operational aspects of the proposed facility is compatible with any neighboring residential use.

S. Facilities and equipment, not to include offices, used by public utilities or quasi-public utilities, e.g., cable television, to provide services to the general public in any zone, except for Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas and any facilities or equipment expressly permitted in the zone or authorized pursuant to Chapter 28.93 of this code.

T. Medical equipment and supply stores of more than 3,000 square feet of net floor area in the C-O Zone, subject to the following special provisions:

The Planning Commission shall find that the use is supportive and directly related to the providing of medical and related services. The Commission may permit a portion of the space to be used for non-medically related sales and/or a percentage of dollar volume of business for non-medically related sales, provided that said amount of non-medically related use is set forth in the Conditional Use Permit.

U. Banks of more than 1,000 square feet of net floor area in the C-O Zone, subject to the following:

The intent is to allow branch banks as a convenience to the medical community and neighborhood, so that there will be less traffic into the commercial areas for deposits, and as a cash source for patients in the area. It is not the intent to establish a banking community in the area. As a result, the limitations set forth below shall apply.

Prior to issuance, the Planning Commission shall find the following:

1. No similar facility is located on adjacent property or on a parcel within 300 feet of the subject property.
2. There shall not be more than 1,000 square feet of space accessible to customers for services.
3. There shall be no drive-up window, but a walk-up window may be permitted.
4. The signing of the operation is in a manner as to identify but not advertise, and to blend in with the neighborhood.
5. Services are limited to deposits, check cashing, cashier and travelers checks, acceptance of loan applications, and night deposits. The following services are excluded: loan applications processing and safety deposit boxes.
6. The permitted number of employees is consistent with the above.

V. Automobile service station, automobile service station/mini-market or conversion to an automobile service station/mini-market shall be subject to the following conditions, standards and limitations:

1. Conditions. Specific conditions may be imposed to carry out the purposes of this code.

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2. Lot Area. The minimum area of the parcel or lot shall not be less than 8,000 square feet.
3. Street Frontage. Each lot shall have a minimum frontage of not less than 100 feet on one abutting street.
4. Architecture. The architecture of the service station structures and landscaping shall be reviewed and approved by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. The architectural theme shall be integrated into the design of all improvements of the site including canopies and fencing.
5. Driveways.
 - a. New Service Stations. For service stations constructed after the effective date of this subsection, driveway entrances to the service station shall not be within 20 feet of the curb return (beginning of curve) on corner lots.
 - b. Existing Service Stations. For driveway entrances of service stations that have been constructed prior to the effective date of this subsection, relocation of driveway entrances may be required to minimize interference with the movement and safety of vehicular and pedestrian traffic.
6. Internal Circulation. Where access from an internal circulation system of a shopping center or public parking area is available, direct street access to a service station may be prohibited or restricted.
7. Parking. Parking shall conform to the minimum parking requirements as outlined in Section [28.90.100](#) or a minimum of five parking spaces shall be provided or one parking space for each 250 square feet of gross floor area used for mini-market use and one space for each employee shall be provided; whichever is greater.
8. Lighting. Any perimeter flood lighting shall be hooded or shielded so that no direct beams fall upon adjacent residential property. Indirect soft lights and low garden lights shall be used wherever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
9. Landscaping. All landscaped areas shall be as follows:
 - a. A planter shall be provided along all street-side property lines except for driveway openings.
 - b. On corner lots, a minimum of 150 square feet of planter area shall be provided on the property adjacent to the corner intersection.
 - c. At least 10% of the area not covered by buildings on the parcel shall be landscaped.
10. Restrooms. The entrance to all restrooms shall be screened from abutting properties by a decorative screen.

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11. Fencing. A decorative fence six feet in height from finished grade shall be provided on all property lines that do not abut a street, alley or parking area, with the exception that a fence may not be required for a service station that is an integral part of a commercial, industrial or office center or where combined landscaping will be achieved with such adjacent properties.

12. Operations and Storage.

- a. Repair of vehicles is only permitted within an enclosed building.
- b. All servicing of vehicles other than minor servicing shall be conducted within an enclosed building.
- c. All materials, products and merchandise shall be stored and displayed only within an enclosed building.
- d. No used or discarded automotive parts or equipment or visible junk or wrecked vehicles shall be located or stored outside the service station building.
- e. Trash shall be stored in areas screened from public view by a fence with a minimum height of six feet. Trash shall not be stored or piled above the height of the fence.

13. Fire Department Approval. Prior to the issuance of any building permit for a service station or any portion thereof, the Fire Department shall review the plans and approve said plans if they comply with applicable Fire Department ordinances and regulations.

W. Public or quasi-public facility, including homeless shelters providing services and programs beyond the definition of minimal supportive services specified in Chapter [28.04](#) (subject to a separation of at least 300 feet from another emergency shelter or homeless shelter), in any zone, except those expressly permitted in the zone or authorized pursuant to Chapter [28.93](#) of this code, and Radio and Television Antennas, Cellular Telephone Antennas and Emergency Service Antennas.

X. Any use other than those permitted by Section 28.73.030.A of the OM-1 Zone and permitted in the M-1 Zone and subject to those findings required in Section 28.73.030.B and Section [28.94.020](#).

Y. General office uses in the HRC-2 Zone as permitted by Section 28.22.030.B.3, and subject to the findings required in Section 28.22.030.B.3 and Section [28.94.020](#).

~~Z. Secondary Dwelling Units in any A, E or R-1 Zone, subject to the following provisions:~~

- ~~1. The minimum lot size for any parcel containing a Secondary Dwelling Unit shall be 7,000 square feet.~~
- ~~2. There shall be no more than one existing single-family dwelling, hereinafter referred to as the primary dwelling, on the parcel.~~
- ~~3. The Secondary Dwelling Unit shall be attached to the primary dwelling by a common wall, floor or ceiling and not simply by an attached breeze-way or porch. Said unit shall involve no more than a 10% increase in the square footage of the primary~~

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~~dwelling nor shall it constitute more than 40% of the combined floor area of the primary dwelling and Secondary Dwelling Unit, exclusive of the garage or carport.~~

~~4. The maximum floor area of the Secondary Dwelling Unit shall not exceed 600 square feet.~~

~~5. Setbacks and height limitations for the Secondary Dwelling Unit shall be the same as for the primary dwelling.~~

~~6. One off-street parking space, covered or uncovered, shall be required for a Secondary Dwelling Unit. In addition, if the primary dwelling does not provide parking as required by Section 28.90.100.G.1 of this title, such parking shall be provided. The garage or carport for the primary dwelling shall not be converted to provide a Secondary Dwelling Unit.~~

~~7. There shall be no more than four separate rooms in a Secondary Dwelling Unit, one of which shall be a kitchen and one a bathroom. The total number of rooms on the parcel shall not be increased by more than two, including the bathroom and kitchen for the Secondary Dwelling Unit. The Secondary Dwelling Unit shall also provide a separate entrance.~~

~~8. Both the primary dwelling and the Secondary Dwelling Unit shall comply with all requirements of the housing code in effect on the date of issuance of the building permit for the Secondary Dwelling Unit. Any alteration or addition shall comply with all requirements of the California Building Code as adopted and amended by the City.~~

~~9. A separate water meter shall be provided for the Secondary Dwelling Unit. The primary dwelling shall be retrofitted with water-conserving devices to the same extent as if the dwelling were being built under the California Building Code as adopted and amended by the City.~~

~~10. Before obtaining a building permit for a Secondary Dwelling Unit, the property owner shall file with the County Recorder, upon approval by the City Attorney as to form and content, a covenant containing a reference to the deed under which the property was acquired by the present owner and stating that:~~

~~a. The Secondary Dwelling Unit shall not be sold separately from the primary dwelling.~~

~~b. The Secondary Dwelling Unit is restricted to the approved size.~~

~~c. The conditional use permit for the Secondary Dwelling Unit shall be in effect only so long as either the primary dwelling or the Secondary Dwelling Unit is occupied by the owner of the lot on which the Secondary Dwelling Unit is located, except for bona fide temporary absences. The conditional use permit shall remain valid if disability or infirmity require the institutionalization of the owner.~~

~~d. The Secondary Dwelling Unit shall be rented at a rate that is affordable to low and moderate income families or to immediate family members as required under paragraph 12 of this subsection below.~~

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- ~~e.—The conditional use permit, and any conditions imposed by said permit, shall lapse upon removal of the Secondary Dwelling Unit.~~
- ~~f.—There shall be no more than two inhabitants in any Secondary Dwelling Unit.~~
- ~~g.—The above declarations are binding upon any successors in ownership of the property; any lack of compliance shall revoke the conditional use permit.~~
- ~~11.—Secondary Dwelling Units shall be prohibited in High Fire Hazard Areas (as defined in the Fire Master Plan.)~~
- ~~12.—The Secondary Dwelling Unit, or the primary dwelling if the owner chooses to live in the Secondary Dwelling Unit, shall be leased or rented to a person or persons falling within one or more of the following categories:~~
- ~~a.—A household whose head is a member of the owner’s immediate family. For purposes of this section, “immediate family” shall be defined as parents, grandparents, children, grandchildren, sisters, brothers, and equivalent in-laws.~~
- ~~b.—Low income households (incomes less than 80% of the median income for the City), as determined by the United States Department of Housing and Urban Development (HUD). The rent level will be no more than the Fair Market Rent levels for the City as determined and adjusted from time to time by HUD, and the owner shall give priority for occupancy to households referred by the Santa Barbara Housing Authority. If the unit is rented or leased to households not referred by the Housing Authority, the income level of the renter selected must be certified by the Housing Authority as to eligibility and this certification must be submitted to the Community Development Director. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. The rent level for such low income renters shall not exceed one-twelfth of 30% of the certified income of the renter. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and the name and income level of the lessee/renter.~~
- ~~c.—Moderate income households (incomes between 81 and 120% of the median income of the City), if the owner chooses not to rent to a family member and a sworn declaration supported by written documentation, such as loan documents, setting forth the financial reasons why the unit will not be rented to a low income household is submitted to the City. Generally, the only acceptable financial reason would be that higher rent is required in order to meet the carrying costs of new construction. The rent levels will be not more than one-twelfth of 30% of the median income for a family of four in the City adjusted for household/unit size according to the following factors:~~

Unit Size
Studio

Factor
-.70

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One-Bedroom	.80
Two-Bedroom	.95
Three-Bedroom	1.065

~~Prior to the rental or leasing of the unit, the income level of the household shall be certified by the Housing Authority. The Housing Authority may assess a fee for certification of renters other than those referred by the Housing Authority. In addition, the owner must submit annually to the Housing Authority a copy of the lease or rental agreement in effect that identifies the rent level and name and income of the lessee/renter.~~

~~13. Approved Secondary Dwelling Units shall be subtracted from the Density Reserve established by Policy 5-1.0 of the City's Housing Element, as adopted by the City of Santa Barbara on June 8, 1982. When there are no units available in the Density Reserve, no conditional use permits shall be granted for Secondary Dwelling Units.~~

~~14. Secondary Dwelling Units shall be prohibited if there is an accessory building containing additional dwelling space, an additional dwelling unit approved under Section 28.93.030.E, caretaker's residence or similar use on the parcel. Furthermore, no accessory building intended to provide additional dwelling space, additional dwelling unit under Section 28.93.030.E, caretaker's residence or similar use shall be constructed on a lot where there is an approved Secondary Dwelling Unit.~~

~~15. The Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark, shall review all Secondary Dwelling Units which require exterior change to the primary dwelling to assure that there is minimal evidence of occupancy of the parcel by more than one family and that any changes or additions to the exterior of the primary dwelling necessary to establish the Secondary Dwelling Unit blend architecturally with the primary dwelling.~~

~~16. In order to encourage the development of housing opportunities for disabled and handicapped individuals, the Planning Commission may allow reasonable deviation from the stated physical requirements where necessary to install features that facilitate access and mobility for disabled persons. Otherwise, no modification of the requirements for a Secondary Dwelling Unit shall be allowed unless specifically stated in this section.~~

~~17. In addition to the findings required under Section 28.94.020, the Planning Commission, or City Council on appeal, must find that:~~

~~a. The Secondary Dwelling Unit does not overload the capacity of the neighborhood to absorb it or cause a concentration of such units sufficient to change the character of the single-family neighborhood in which it is located.~~

~~b. The Secondary Dwelling Unit does not detract from the privacy of the surrounding residents.~~

~~18. Modifications.~~

~~a. Parking. No modification of the required number of parking spaces shall be allowed. Modification of other parking-related requirements may be allowed subject to the provisions of Section 28.92.110 of this code.~~

~~b. Setbacks and height limitations. Modification of these requirements may be allowed subject to the provisions of Section 28.92.110 of this code.~~

Z. Reserved

AA. Any interim use deemed appropriate by the Planning Commission in those areas identified by resolution of the City Council as impacted by governmental action. Such interim uses shall be limited in duration as specified by the Planning Commission, provided all such uses are discontinued within two years of the completion of the governmental action. Any authorization granted by the conditional use permit shall terminate at that time.

The conditional use permit granted pursuant to this subsection shall not be effective until the property owner has duly executed and recorded an instrument binding itself, its successors in interest and any person holding thereunder, which contains (1) notice of the conditional use permit; (2) notice of any conditions established thereunder; (3) an agreement to comply with the terms and conditions of the conditional use permit; (4) a waiver of any claim that a temporary use or any improvements on real property creates any vested right to continue a nonconforming use after completion of the governmental action; and (5) any other conditions as deemed necessary to comply with the purposes and intent of this subsection. This instrument shall be subject to the review and approval of the City Attorney and the Community Development Director.

BB. Bed and Breakfast Inns in Designated Historic Structures.

1. R-O Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-O zone, in accordance with the provisions of Chapter 22.22 of this title.

b. Bed and Breakfast Inns in a structure located on a lot in the R-O zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located.

2. R-3 Zone

a. Bed and Breakfast Inns in Structures of Merit or Landmarks in the R-3 zone, in accordance with the provisions of Chapter 22.22 of this title, subject to the following conditions.

i. The owner or manager of the Bed and Breakfast Inn shall maintain his or her primary residence on the property that contains the Bed and Breakfast Inn.

ii. No meals shall be served to persons other than guests and residents of the Bed and Breakfast Inn.

iii. No conference or meeting rooms/facilities shall be provided.

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- iv. No outdoor swimming pool shall be provided; however, outdoor spas, hot tubs or similar facilities may be provided.
 - v. Other conditions imposed by the Planning Commission in order to ensure compatibility with the surrounding neighborhood.
 - b. Bed and Breakfast Inns in a structure located on a lot in the R-3 zone, on which a Structure of Merit or Landmark used as a Bed and Breakfast Inn is also located, subject to the conditions listed in paragraph (a) above.
3. Review by the Historic Landmarks Commission. Plans for new structures or alterations to existing structures under paragraphs 1 and 2 above shall be submitted to the Historic Landmarks Commission for review and action in accordance with the provisions of Chapter [22.22](#) of this title.
- CC. Offsite Hazardous Waste Management Facilities in the C-M, M-1, and OM-1 zones, subject to the provisions in Chapter [28.75](#), HWMF Overlay Zone.
- DD. Television, Radio and Cellular Telephone Antennas in all zones, subject to the following provisions:
- 1. Exemptions. The following are exempt from the requirement of a Conditional Use Permit, and shall be considered a permitted use in all zones:
 - a. Repairs and maintenance of existing facilities, whether emergency or routine, or replacement of transmitters, antennas, or other components of existing permitted facilities, provided there is little or no change in the visual appearance or any increase in radio frequency emission levels.
 - b. Satellite Dish Antennas designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite.
 - c. One or more cellular telephone antennas or paging antennas, provided that the Community Development Director finds as follows:
 - i. Height: The height of the antenna and supporting structure does not exceed Municipal Code height limits set forth in Sec. [28.87.260](#), except where said antenna is being installed on an existing structure, in which event the height limit is measured from the highest point of the building and cannot exceed 15 feet above the building height.
 - ii. Separation: There is at least 100 feet between the base of the antenna support structure and the nearest dwelling unit.
 - iii. Access Control: The applicant establishes that the general public will be excluded from an area at least 50 feet in all directions from the antenna if antenna is not at least 10 feet off the ground. If the antenna is at least 10 feet above grade, this distance may be reduced to 30 feet.
 - iv. No Resource Impacts: The project will have no significant impact on any biological or archeological resources and will not generate additional traffic.

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The applicant may be required to provide information to the Community Development Director regarding these matters.

v. No Visual Impacts: The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

d. A microcell, provided it has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property or a structure thereon is a designated City Landmark. The Board and Commission may take action regarding the location of the antenna(s) on the site, color and size of the proposed antennas so as to minimize any adverse visual impacts.

2. Conditional Use Permit by Planning Commission. A Radio or Television Antenna shall be permitted only upon issuance of a conditional use permit by the Planning Commission, and only if each of the following findings has been made:

a. Shared Use of Support Structure. The applicant had made a good faith effort to demonstrate that no existing or planned support structure, including an antenna tower, is available to accommodate the proposed antenna.

b. Site Size. The site is of a size and shape sufficient to provide an adequate setback from the base of the antenna support structure to any property line abutting a residential use.

c. Visual Impact. The project has been reviewed by the Architectural Board of Review, or the Historic Landmarks Commission if the property is located in the El Pueblo Viejo Landmark District or another landmark district or if the property contains a designated City Landmark. The Board and Commission may take action on the location of the antenna(s) on the site, color and size so as to minimize any adverse visual impacts by requiring that the antenna and its supporting structure be designed and placed so as to be as visually unobtrusive as feasible, taking into consideration technical engineering and other pertinent factors. The Planning Commission may grant a waiver from height limitations if it finds that no feasible alternative location or design would not require such a waiver.

d. Non-ionizing Electromagnetic Radiation (NIER) Emissions. Any new transmitters and/or antennas, when combined with existing sources of NIER emissions on or adjacent to the site and when operating as designed and licensed, shall not expose the general public to ambient radiation emissions which exceed American National Standards Institute (ANSI) C95.1-1992 standard (if the Federal Communications Commission (FCC) rulemaking committee adopts a revised standard, said standard shall apply).

EE. Outdoor performance areas involving structures such as bandshells or amphitheaters in the PR Zone.

SECTION 7. Severability and Interpretation.

A. Severability. If any provision of this Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

B. Interpretation. This Ordinance shall be construed to confer upon the City the maximum power and authority allowed by state and federal law. In the event state or federal law is found to conflict with and preempt any provision of this Ordinance, or in the event state or federal law changes to conflict with and preempt any provision of this Ordinance, the remaining and non-conflicting provisions of this Ordinance shall be interpreted and construed to give maximum effect to the remaining and non-conflicting provisions so as to effectuate to the greatest extent possible the purposes and restrictions expressed herein.

SECTION 8. CEQA

Under California Public Resources Code Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 and 65852.22 of the Government Code, which is the State Accessory Dwelling Unit law.

SECTION 9. Effective Date and Effect on Projects in the Permit Process

Applications for Accessory Dwelling Units in the Coastal Zone received on or after January 1, 2017 will be processed in accordance with Government Code 65852.2 until such time that the California Coastal Commission certifies the proposed Title 28 ordinance amendments. At the time of certification and subsequent effective date of the ordinance, all applications may continue to be processed in accordance with Government Code 65852.2 provided that a building permit is issued within 60 days of the effective date of the proposed Title 28 ordinance amendments, or may elect to be processed in accordance with the proposed Title 28 ordinance amendments. All applications for Accessory Dwelling Units submitted on or after the effective date of Title 28 amendments, and any Accessory Dwelling Units applications which have not yet received a building permit by the deadline described above, shall be subject to the proposed Title 28 amendments.

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA
BARBARA AMENDING TITLE 22 OF THE SANTA BARBARA
MUNICIPAL CODE BY THE ADDITION OF CHAPTER 22.100
RELATING TO ENVIRONMENTAL REVIEW

The City Council of the City of Santa Barbara, California does ordain as follows:

SECTION 1: That Title 22 of the Santa Barbara Municipal Code is amended by the addition of Chapter 22.100 to read as follows:

Chapter 22.100
Environmental Review

- Section 22.100.010 **Purpose**
- Section 22.100.020 **State CEQA Guidelines Adopted by Reference**
- Section 22.100.030 **Construction and Interpretation**
- Section 22.100.040 **Activities Subject to this Chapter**
- Section 22.100.050 **Projects for Which a Person or Entity other than the City is the Applicant**
- Section 22.100.060 **City Projects**
- Section 22.100.070 **List of Ministerial Projects and Categorical Exemptions**
- Section 22.100.080 **Determinations of Exemption**
- Section 22.100.090 **Design Review Decisions**
- Section 22.100.100 **Master Environmental Assessment**
- Section 22.100.110 **Public Hearings on a Proposed Negative Declarations or Mitigated Negative Declarations**
- Section 22.100.120 **Adoption of Negative Declaration or Mitigated Negative Declaration**
- Section 22.100.130 **Public Hearings on Draft Environmental Impact Reports**
- Section 22.100.140 **Certification of Final Environmental Impact Report**
- Section 22.100.150 **Consolidation of Hearings**
- Section 22.100.160 **Responsibilities**
- Section 22.100.170 **Supplemental Administrative Rules**
- Section 22.100.180 **Time Limits for Preparation of Environmental Documents**
- Section 22.100.190 **Environmental Documents and Records**
- Section 22.100.200 **Indemnification**

Section 22.100.010 Purpose.

This Chapter implements the City's responsibilities under Public Resources Code Section 21082 and California Code of Regulations, Title 14, Section 15022 to adopt objectives, criteria and procedures for evaluation of projects and preparation of

environmental impact reports and negative declarations pursuant to the California Environmental Quality Act (CEQA).

Section 22.100.020 State CEQA Guidelines Adopted by Reference.

A. The State CEQA Guidelines [Title 14, Division 6, Chapter 3 of the California Code of Regulations.], including all sections thereof and appendices thereto, as amended from time to time, are adopted by reference as the environmental review regulations of the City.

B. Reference to this Chapter in any City Code, an uncodified ordinance, or resolution includes reference to the State CEQA Guidelines.

Section 22.100.030 Construction and Interpretation.

A. The provisions of this Chapter are intended to and will be construed as consistent with the California Environmental Quality Act ("CEQA") [Division 13 of the California Public Resources Code commencing with Section 21000.] and the State CEQA Guidelines. If a provision of this Chapter cannot be construed as consistent with CEQA or the State CEQA Guidelines, the provisions of CEQA or the State CEQA Guidelines will prevail to the extent of the inconsistency.

B. Words, acronyms, and phrases used in this Chapter and defined in CEQA or the CEQA Guidelines have the meaning defined in CEQA or the State CEQA Guidelines.

C. As used in this Chapter, reference to this Code means reference to the Santa Barbara Municipal Code.

D. As used in this Chapter, the term Designated Department Head means:

1. The Public Works Director for all activities relating to the construction, operation, maintenance, repair, replacement, alteration, encroachment, or expansion of a City building, street, bridge, bikeway, sidewalk, paseo, plaza, right-of-way, parking lot or structure, or water, sewer, or drainage facility, structure or operation;

2. The Airport Director for all activities relating to the construction, operation, maintenance, repair, replacement, alteration, or use of the Santa Barbara Airport or airport facilities or property;

3. The Waterfront Director for all activities relating to the construction, operation, maintenance, repair, replacement, alteration, or use by of the Santa Barbara Harbor, harbor facilities, Stearns Wharf, and tidelands held by the City in trust;

4. The Parks and Recreation Director for all activities relating to the construction, operation, maintenance, repair, replacement, alteration, or use of a City park.

E. Reference in this Chapter to Community Development Director or Designated Department Head includes reference to any person to whom the Director or Department Head has delegated responsibility to implement the provisions of this Chapter.

F. The Community Development Director and Designated Department Heads may delegate responsibility under this Chapter to department employees and other persons under supervision of the Director or Department Head; provided, however, that ultimate responsibility for performance of delegated functions remains with the Director or Department Head. Nothing in this Chapter precludes the Community Development

Director from performing responsibilities of a Designated Department Head under this Chapter upon request of the Department Head.

Section 22.100.040 Activities Subject to this Chapter.

A. This Chapter applies to all projects undertaken by the City or subject to discretionary approval of the City except:

1. Any activity that is not a project as defined in CEQA or other State statute, or that will not result in a direct or reasonably foreseeable indirect physical change in the environment;

2. Activities that are statutorily exempted from CEQA by its own terms or by other State statute;

3. Projects that meet the criteria of a categorical exemption.

4. Activities covered by the common sense exemption because it can be seen with certainty that there is no possibility the activity may have a significant effect on the environment.

5. Administrative or operational activities of the City, such as the adoption or amendment of a budget, appropriation of funds for operations and maintenance, purchase and use of supplies and equipment, use and operation of existing facilities, personnel-related actions, general policy and procedure making, and other activities necessary or convenient to the routine conduct of City business.

B. Inclusion of a project in the Capital Improvement Program Budget for planning and environmental review purposes shall not be construed as an irrevocable commitment to the project or its implementation. A project shall be subject to revision or deletion from the Capital Improvement Program as necessary to comply with CEQA and this Chapter. A project that is subject to CEQA and identified in the Capital Improvement Program Budget shall not be deemed approved until after completion of applicable environmental review. No appropriation in a budget for a capital project that provides new or expanded service shall be spent for activities other than exempt planning, feasibility, environmental review, and other similar purposes until the City certifies or adopts the environmental review document for the project pursuant to this Chapter.

Section 22.100.050 Projects for Which a Person or Entity other than the City is the Applicant.

A. Whenever a person or entity other than the City submits an application for a discretionary permit, entitlement, or authorization of the City, the person or entity shall also submit preliminary environmental information as required by the Community Development Director or Designated Department Head having responsibility for the matter. After a preliminary review of the application and preliminary environmental information, the Community Development Director or Designated Department Head may determine that the project is subject to a statutory or categorical exemption or may require the person or entity to submit a completed draft Environmental Checklist Form (State Guidelines Appendix G) or similar form required by the Director or Department Head and, if necessary, require additional information sufficient to make a preliminary determination of the environmental effects of the project.

B. The Community Development Director or the appropriate Designated Department Head will prepare, or cause the applicant to prepare, an initial study if a

project is not determined to be subject to an exemption based on the preliminary environmental information. The Community Development Director or Designated Department Head may determine that the project is subject to a statutory or categorical exemption based on the initial study. If a project is not determined to be exempt based on the initial study, then an application and initial study initially submitted to the Public Works, Parks and Recreation, Waterfront, or Airport Departments will be referred to the Community Development Department for further processing under this Chapter.

C. Based on an initial study, when a project is not subject to a categorical or statutory exemption, the Community Development Director will determine:

1. Whether the project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report was certified and does not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site as provided in State CEQA Guidelines Section 15183; or

2. To prepare an environmental impact report, a negative declaration, or mitigated negative declaration, or reaffirm a previously certified environmental impact report, adopted negative declaration, or adopted mitigated negative declaration.

D. An application is not complete and will not be deemed complete until the applicant has submitted all the information required by Subdivision A or B of this Section.

E. The Community Development Director or Designated Department Head responsible for the matter may combine all or part of the environmental information forms required by Subdivisions A or B into the application otherwise required for processing of a City permit or approval.

F. The applicant is responsible for all of the City's cost of the environmental review for the project. The applicant must pay a fee in the amount established by City Council resolution when the application for a project is submitted and prior to processing of environmental documents as required by the fee resolution. In lieu of payment of a fee, the City may require the applicant to deposit the estimated cost of preparing a negative declaration, mitigated negative declaration, draft or final environmental impact report, or other environmental document. An application will not be deemed complete until the fee is paid. An applicant may be required to increase the amount of a deposit as necessary to process the environmental review of a project. The City may contract for the preparation of negative declarations, mitigated negative declarations, draft or final environmental impact reports, or other environmental documents.

G. The City may authorize or require an applicant to submit environmental information in the form of a draft negative declaration, draft mitigated negative declaration, draft environmental impact report, or other environmental document, provided, however, that the City retains full discretion and authority to approve, conditionally approve, deny, certify, or refuse to certify any submittal. Approval, conditional approval, adoption, or certification of any negative declaration, mitigation negative declaration, environmental impact report, or other environmental document will be based on the City's independent review and judgment of any submittal.

Section 22.100.060 City Projects.

A. An Environmental Information Form (State Guidelines Appendix H) or similar document will be prepared for City projects. After a preliminary review of the form, the Community Development Director or the appropriate Designated Department Head may determine that the project is subject to a statutory or categorical exemption or may require completion of an Environmental Checklist Form (State Guidelines Appendix G) or similar document before making the determination.

B. The Community Development Director or the appropriate Designated Department Head will prepare an initial study if a project is not determined to be subject to an exemption based on a completed draft environmental checklist. The Community Development Director or Designated Department Head may determine that the project is subject to a statutory or categorical exemption based on the initial study.

C. If a project is not subject to a categorical or statutory exemption, the Community Development Director, in consultation with the Designated Department Head, will determine whether to prepare an environmental impact report, a negative declaration, or mitigated negative declaration, or reaffirm a previously certified environmental impact report or adopted negative declaration, or adopted mitigated negative declaration. A proposed negative declaration, proposed mitigated negative declaration, or draft environmental impact report may be prepared by a Designated Department Head, or by the Community Development Director upon request of the Designated Department Head.

D. The Community Development Director and Designated Department Heads are directed to coordinate and cooperate in the performance of their delegated responsibilities under this Chapter.

Section 22.100.070 List of Ministerial Projects and Categorical Exemptions.

A. This section identifies common activities that the City considers not subject to CEQA because the activity is ministerial or subject to a statutory or categorical exemption. Nothing in this section precludes a determination, on a case-by-case basis, that an activity listed as ministerial is discretionary under the circumstances, that an activity not listed is exempt from CEQA, or that a listed activity is subject to this Chapter because of application of an exception to a statutory or categorical exemption.

B. Ministerial activities (State CEQA Guidelines Section 15268) include:

1. Issuance of building permits for projects that have received all discretionary approvals or for which no discretionary approvals are required under this Code.
2. Administration of business license taxes and issuance of business licenses and other permits pursuant to Title 5 of this Code.
3. Approval of final subdivision maps and final parcel maps.
4. Utility service connection and disconnection pursuant to Title 14 of this Code.
5. Approval of landscape installation or modification consistent with the City's landscape conservation guidelines, unless discretionary approval of landscape modifications is expressly required by this Code.
6. Approval of replacement of irrigated lawn with artificial turf.
7. Encroachment permits for installation of gas, electric,

telecommunications facilities or equipment pursuant to a franchise or State statute or regulation.

8. Issuance of certificates of compliance or conditional certificates of compliance pursuant to Title 27 of this Code.

9. Recordation of a notice of violation pursuant to Title 27 of this Code.

10. Issuance of coastal exclusions or exemptions pursuant to Title 28 of this Code.

11. Administrative approval of design review applications.

12. Substantial conformance determinations under Section 30.205.130 of this Code.

13. Performance of brush clearing and weed abatement pursuant to orders of City, state, or federal fire officials or regulatory agencies.

14. Issuance of temporary use permits for parades, rallies, and similar first amendment activities, including temporary closure of streets for such activities.

C. This subdivision lists common City activities falling within certain classes of categorical exemptions. Listing of an activity does not limit application of any exception to an exemption under CEQA or the State CEQA Guidelines if there is substantial evidence that a particular activity is subject to an exception. This subsection does not preclude application of an exemption class not listed or otherwise limit application of an exemption under CEQA or the State CEQA Guidelines.

1. Class 1: Existing Facilities (State CEQA Guidelines section 15301).

a. Installation or removal of traffic signals, speed humps and bumps, traffic control signs, lane striping, parking restrictions, and similar traffic control devices, and establishment of speed limits pursuant to Title 10 of this Code.

b. Installation of curbs, gutters, sidewalks within existing right-of-way.

c. Alteration of existing sidewalks, curbs, gutters, medians, pathways, and streets for purpose of facilitating access for persons with disabilities.

d. Airport repair and maintenance projects, including runway or taxiway overlay, interconnect, or minor extension projects.

f. Waterfront repair and maintenance projects, including harbor facilities, Stearns Wharf, and Waterfront parking lots.

g. Addition of outdoor eating facilities involving minor expansion of the indoor eating facility occupant load.

h. Minor changes to zoo exhibits.

i. Minor interior and exterior repairs and alterations to historic resources unless there is substantial evidence that the project will cause a substantial adverse change in the significance of the historical resource. Changes to existing sidewalks, curbs, medians, and streets to facilitate access for persons with disabilities in accordance with standards established by state or federal statute, regulation, or guideline generally will not be considered changes in the significance of an historical resource.

j. Restoration of historic resources subject to acceptance of a Phase 2 Historic Resources Study by the Community Development Director or Historic Landmarks Commission, as appropriate under this Code, and incorporation of the study recommendations into the project description.

k. Leases, subleases, and lease renewals for existing facilities

where no change in use is proposed, including the continuance of a nonconforming use in conformance with this Code.

l. Driveways, retaining walls, trellises, and trash enclosures on land with a slope of 20 percent or less.

m. Installation of additional recreation equipment or features within existing playgrounds or active recreation areas of existing parks or recreational facilities.

n. Operation, repair and maintenance of the existing pipelines, pumps, tanks, reservoirs, vents, valves, vaults, rights of way, channels, and appurtenant facilities comprising the City's water, sewer, and storm water drainage systems, includes, without limitation, clearing, trimming, or removing vegetation to maintain system function.

o. Draining pipelines or other structures at existing vent or drain locations for purposes of inspection, repair or maintenance, provided the drainage is regulated in a manner reasonably calculated to avoid damage to adjoining property and discharge into a watercourse complies with the Clean Water Act or other applicable law governing water quality.

p. Implementation of programs and installation of devices, equipment, fences, or gates for the security of City buildings, facilities, and land.

q. Issuance of permits for maintenance, pruning, trimming, or replacing of existing street trees or the performance of maintenance, pruning, trimming or replacement work by the City.

r. Installation of electrical storage batteries within an existing building.

2. Class 2: Replacement or Reconstruction (State CEQA Guidelines Section 15302).

a. Replacement or reconstruction of existing private and public buildings with a new building of substantially the same design, size, purpose, capacity, and location.

b. Replacement or reconstruction of historic resources damaged or destroyed by a fire, earthquake or other calamity with a new structure of substantially the same design, size, purpose, materials, and construction, provided that the Community Development Director or Historic Landmarks Commission, as appropriate under this Code, has determined that the replacement or reconstruction will preserve the historical significance of the historical resource.

3. Class 3: Construction, installation or conversion of small structures, equipment or facilities (State CEQA Guidelines Section 15303).

a. Issuance of minor encroachment permits or joint use agreements for activity that qualifies as construction, installation or conversion of small structures, equipment or facilities.

b. Accessory Dwelling Units and Additional Residential Units.

c. Installation and alterations of facilities necessary to comply with state or federal accessibility laws as determined by a Certified Access Specialist.

d. New construction or conversion of small structures consisting of 3,000 square feet or less and not involving the use of significant amounts of hazardous substances.

e. New leases, subleases, and lease renewals for existing

facilities consisting of 3,000 square feet or less where a change of use is proposed and the new use is in substantial conformance with all applicable provisions of this Code.

f. Emergency generator equipment and associated facilities in small structures to serve existing uses on a parcel.

g. Driveways, retaining walls, trellises, and trash enclosures on land with a slope less than 20 percent.

h. Conversion of existing nonresidential space to residential dwelling space in connection with any commercial use if the total number of dwelling units does not exceed six.

i. Installation or removal of permanent or temporary public and marina restroom facilities.

j. Installation or removal of bicycle racks, benches, waste receptacles, kiosks, and similar facilities or equipment within existing sidewalks, streets, or other public places.

4. Class 4: Minor alterations to land. (State CEQA Guidelines Section 15304).

a. Minor temporary use of property zoned for commercial or industrial use having negligible or no permanent effects on the environment, including seasonal sales and Certified Farmers' Markets.

b. Harbor maintenance dredging activities where the spoil is deposited in a spoil area authorized by applicable state and federal regulatory agencies.

c. Minor alterations or expansion of breakwaters, seawalls, sidewalks, or other harbor protection facilities of less than 500 square feet and above mean low water line.

d. Construction of trails and paths that follow the existing topography, do not require substantial amounts of grading, and do not involve removal of biologically sensitive plant or mature, scenic trees.

e. Minor grading to establish access roads over land with a slope of less than 10 percent, except in waterways, wetlands or designated scenic or geologic hazard areas.

f. Approval of encroachment permits, use agreements, licenses, easements, or other permissions for activity that qualifies as minor alteration to land.

g. Temporary use of land for discharge of potable or raw water from pipelines and facilities provided erosion is controlled and the discharge into a watercourse complies with the Clean Water Act or other applicable laws governing water quality.

h. New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient landscaping.

i. Closure or use of City streets, parking lots, paseos, plazas and other publicly owned areas for temporary or periodic events such as certified, farmers' markets, Old Spanish Days Fiesta, and similar civic activities.

j. Issuance of permits to shared mobility operators, including permits for the location and operation of docking facilities on public streets or parking lots.

k. Issuance of licenses or permits for outdoor dining or other commercial activities as authorized by Chapters 9.48 or 9.95 of this Code.

5. Class 5: Minor alterations in land use limitations (State CEQA

Guidelines Section 15305)

a. Vacation of roads or public service easements pursuant to the California Streets and Highways Code.

b. Minor lot line adjustments where the developable area of each resulting lot has an average slope of 20 percent or less.

c. Adoption or amendment of land use or development ordinances, regulations, standards, or guidelines that substantially maintain existing land use intensity or density...

d. Minor general plan, coastal land use plan, or zoning map amendments that do not significantly change planned uses in an area.

e. Modifications to the Zoning Ordinance pursuant to Section 28.92.110 or Chapter 30.250 of this Code.

f. Phasing of existing approved projects into separate development phases.

g. Extension of time limits on approved projects where circumstances have not changed.

6. Class 6: Information Collection (State CEQA Guidelines Section 15306).

a. Geologic sampling, boring, surveying and other similar exploratory or testing activities for purposes of feasibility, planning or design studies where the property is restored to its preexisting condition as near as reasonably feasible under the circumstances.

b. Materials testing, sediment and water quality sampling, monitoring, and similar information gathering activities for planning or compliance purposes.

c. Issuance of permits for access to the Goleta Slough or other Airport property for scientific, educational, or cultural purposes.

6. Class 7: Actions by the City for Protection of Natural Resources (State CEQA Guidelines Section 15307).

a. Adoption or amendment of ordinances or regulations to assure the maintenance, restoration, preservation, or enhancement of creeks and natural open space.

b. Implementation of maintenance, restoration, preservation, or enhancement programs that do not involve new construction, but may involve removal of rocks, debris, vegetation, or other materials to reduce risk of floods, erosion, or fire, or improve habitat value.

7. Class 8: Actions by the City for the Protection of the Environment (State CEQA Guidelines Section 15308).

a. Adoption or amendment of ordinances, regulations, guidelines, or standards to prevent or reduce the degradation of air resources, water resources, land resources, mineral resources, biotic (flora and fauna) resources, cultural resources, aesthetic resources, and ambient noise.

b. Designation of historic resources including structures, sites, and objects pursuant to existing ordinance and regulations.

9. Class 11: Accessory Structures (State CEQA Guidelines Section 15311).

a. Trash enclosures, fences, walls, driveways, and trellises accessory to existing commercial, industrial, or institutional uses on a parcel with an average slope of 20 percent or less.

b. Installation of facilities and structures for generation of solar energy on existing buildings or parking areas provided the installation does not result in elimination of required parking spaces.

c. Installation of airport lighting, fencing and security facilities, noise and environmental monitoring systems including weather systems and facilities, mechanical and electrical equipment and other facilities which are accessory to the use of existing or approved airport structures, facilities, operations, or uses.

Section 22.100.080 Determinations of Exemption.

A determination of exemption by the Community Development Director or a Designated Department Head is final, subject to appeal to the City Council pursuant to Section 1.30.050 of this Code. When a project is subject to discretionary review by the City Council or Planning Commission, a determination of exemption by the Community Development Director or Designated Department Head is not final, but will be considered substantial evidence of the exemption. A record of a determination of exemption, including the reasons therefore, will be kept in the project files. A Designated Department Head will provide a copy of the record of determination of exemption to the Community Development Director within 10 days of the date of the determination.

Section 22.100.090 Design Review Decisions.

A. Projects subject to design review under this Code, but not subject to some other form of discretionary land use approval, are generally exempt from this Chapter pursuant to one or more of the categorical exemptions or are subject to State CEQA Guidelines Section 15183.

B. When a project requires a discretionary land use approval in addition to design review under this Code, the concept review by the Community Development Director, Historic Landmark Commission or Architectural Board of Review, or other design review body are considered part of the initial study, unless an initial study is not required because the project qualifies for a statutory or categorical exemption.

Section 22.100.100 Master Environmental Assessment.

A. The Master Environmental Assessment, as updated, applies to determinations made under this Chapter unless there is substantial evidence that application of the Master Environmental Assessment in a particular circumstance would result in a violation of CEQA or could have a reasonably foreseeable adverse environmental impact with respect to a particular project due to a material change in circumstances.

B. The Guidelines for Archaeological Resources and Historic Structures and Sites, as updated, apply to determinations made under this Chapter unless application of the guidelines would result in a violation of CEQA with respect to a particular determination or project.

Section 22.100.110 Public Hearings on a Proposed Negative Declarations or Mitigated Negative Declarations.

A. The Community Development Director may schedule a public hearing by the Planning Commission as part of the public review process for proposed negative declarations and mitigated negative declarations. The Planning Commission will conduct the public hearing during the period for public review required by Section 15073 of the State CEQA Guidelines. When a project is within the responsibility of a Designated Department Head, the Community Development Director will consult with the appropriate Designated Department Head before scheduling the public hearing.

B. Notice of the public hearing will be given not less than 10 days before the date of the hearing as follows:

1. Mailing to the last known address of organizations and individuals who have previously requested such notice in writing. Organizations and individuals may request notice by filing a request with the Community Development Director. Requests will be valid for a period of two years.

2. Publication at least one time in a newspaper of general circulation in the City.

3. Mailing by first class mail, postage prepaid, to the owners and occupants of property within 300 feet of the proposed project, or as specified by Title 27, 28, 29, or 30 for mailing of public hearing notices for the discretionary permit or approval applicable to the project. Ownership will be determined using the latest equalized assessment roll.

C. Published notice is complete on the date of publication. Mailed notice is complete on the date of mailing.

D. In addition, the Community Development Director is directed to make a copy of the proposed negative declaration or mitigated negative declaration available in electronic format through the City's Internet website during the public review period.

Section 22.100.120 Adoption of Negative Declaration or Mitigated Negative Declaration.

A. If final approval authority for a project, except for possibility of appeal, has been delegated to the Planning Commission, Community Development Director, or a Designated Department Head, then after the public review period and public hearing, the Planning Commission, Community Development Director, or Designated Department Head exercising the delegated authority may:

1. Adopt the proposed negative declaration or mitigated negative declaration as presented;

2. Conditionally adopt the proposed negative declaration including additional or substitute mitigation measures:

3. Order substantial revision and recirculation of the proposed negative declaration or mitigated negative declaration; or

4. Order preparation of an environmental impact report upon a determination that the project may have a significant effect on the environment.

B. Appeal of a final decision regarding a project will be deemed to include appeal of the determination regarding the negative declaration or mitigated negative declaration for the project.

C. When final approval authority for a project is vested in the City Council, or upon consideration of an appeal, the City Council may:

1. Adopt the proposed negative declaration or mitigated negative declaration as presented;
2. Conditionally adopt the proposed negative declaration including additional or substitute mitigation measures;
3. Order substantial revision and recirculation of the proposed negative declaration or mitigated negative declaration; or
4. Order preparation of an environmental impact report upon a determination that the project may have a significant effect on the environment.

Section 22.100.130 Public Hearings on Draft Environmental Impact Reports.

A. The Planning Commission will hold a public hearing as part of the public review process for all draft environmental impact reports. The public hearing will be held during the period for public review required by Section 15105 of the State CEQA Guidelines.

B. Notice of the public hearing will be given not less than 10 days before the date of the hearing as follows:

1. Mailing to the last known address of organizations and individuals who have previously requested such notice in writing. Organizations and individuals may request notice by filing a request with the Community Development Director. Requests will be valid for a period of two years.

2. Publication at least one time in a newspaper of general circulation in the City.

3. Mailing by first class mail, postage prepaid, to the owners and occupants of property within 300 feet of the proposed project, or as specified by Title 27, 28, 29, or 30 for mailing of public hearing notices for the discretionary permit or approval applicable to the project. Ownership will be determined using the latest equalized assessment roll.

C. Published notice is complete on the date of publication. Mailed notice is complete on the date of mailing.

D. In addition, the Community Development Director is directed to make a copy of the draft environmental impact report available in electronic format through the City's Internet website during the public review period.

Section 22.100.130 Certification of Final Environmental Impact Report.

A. If final approval authority for a project, except for possibility of appeal, has been delegated to the Planning Commission, Community Development Director, or a Designated Department Head, then after the public review period, the Planning Commission may certify that a final environmental impact report for prepared for a project has been completed in compliance with CEQA and this Chapter, make the determinations required by Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and adopt mitigation monitoring and reporting programs as required by Section 15097 of the State CEQA Guidelines before taking final action to approve a project.

B. Appeal of a final decision regarding a project will be deemed to include appeal of the determination regarding the environmental impact report for the project.

C. When final approval authority for a project is vested in the City Council, or upon consideration of an appeal, then after the public review period, the City Council may certify that a final environmental impact report for prepared for a project has been completed in compliance with CEQA and this Chapter, make the determinations required by Sections 15091, 15092, and 15093 of the State CEQA Guidelines, and adopt mitigation monitoring and reporting programs as required by Section 15097 of the State CEQA Guidelines before taking final action to approve a project. An additional public hearing is not required.

Section 22.100.150 Consolidation of Hearings.

A public hearing on a negative declaration, mitigated negative declaration, environmental impact report or other environmental document may be consolidated with any other public hearing held in regard to the same project. When a hearing is consolidated, the notice required for hearing on the environmental document will be given in the same manner and at the same time as public notice otherwise required for the hearing on the project. When a hearing is consolidated, the Planning Commission or City Council must take action to approve or certify the environmental document and must review and consider the information contained in the environmental document before taking action on the project.

Section 22.100.160 Responsibilities.

A. The Community Development Director has primary responsibility to administer this Chapter and exercise any power of the City necessary to implement CEQA or this Chapter that is not otherwise reserved to the City Council, or delegated to the Planning Commission or a Designated Department Head. The Community Development Director has responsibility to:

1. Administer this Chapter and perform such administrative, technical and other work necessary for compliance with CEQA and this Chapter, including preparation and adoption of forms, checklists, and other standard documents consistent with this Chapter.
2. Perform all preliminary reviews and initial studies, except when such responsibility is vested in a Designated Department Head by subdivision B of this section.
3. Determine whether a project is exempt from the requirements of CEQA, except when such responsibility is vested in a Designated Department Head by subdivision B of this section.
4. Adopt final negative declarations and final mitigated negative declarations for projects for which the Community Development Director is the final-decision-making authority, except for the possibility of appeal.
5. Conduct scoping meetings.
6. Prepare, circulate, and schedule for hearing as appropriate proposed negative declarations, proposed mitigated negative declarations, draft environmental impact reports, and other documents necessary to comply with CEQA or this Chapter.
7. Prepare final environmental documents, including preparation of proposed findings regarding determinations under subparagraphs 1, 2, and 3 of subsection D.

8. File notices of preparation, determination, exemption, or other notices required or authorized by CEQA or this Chapter.

9. Schedule and notice public hearings when required by CEQA or this Chapter.

10. Approve addenda to previously certified environmental impact reports, or adopted negative declarations or mitigated negative declarations, except when such responsibility is vested in a Designated Department Head by subdivision B of this section.

11. Determine whether a previously certified or adopted environmental impact report, negative declaration, or mitigated negative declaration is sufficient to cover changes or modifications to a project or whether additional environmental review is required, except when such responsibility is vested in a Designated Department Head by subdivision B of this section.

12. Execute agreements with public agencies determining the lead agency for a project.

13. Coordinate with lead agencies where the City will be a responsible agency.

14. Contract with qualified persons or entities for the conduct of investigations, studies, tests, evaluations or other technical or scientific work and for the preparation and processing of documents, including, without limitation, initial studies, negative declarations, mitigated negative declarations and environmental impact reports where the cost of the contract will be paid by a project applicant other than the City or from City funds subject to contract approval authority delegated to the City Administrator .

B. A Designated Department Head has responsibility to:

1. Perform preliminary reviews and initial studies regarding City activities undertaken by the department or within the approval authority of the Designated Department Head.

2. Determine whether an activity of the department or within the approval authority of the Designated Department Head is a project and if so whether the project is exempt from the requirements of CEQA.

3. Conduct scoping meetings when an environmental impact report for a project will be undertaken by the department for which the Designated Department Head has responsibility.

4. At the request of the Community Development Director, prepare and submit to the Community Development Department proposed negative declarations, proposed mitigated negative declarations, draft environmental impact reports, and other documents necessary to comply with CEQA or this Chapter for projects of the department for which the Designated Department Head has responsibility.

5. Adopt final negative declarations and final mitigated negative declarations for projects for which the Designated Department Head is the final-decision-making authority, except for the possibility of appeal.

6. Approve addenda to previously certified environmental impact reports, or adopted negative declarations or mitigated negative declarations for a project undertaken by the department for which the Designated Department Head has responsibility.

7. Contract with qualified persons or entities for the conduct of

investigations, studies, tests, evaluations or other technical or scientific work and for the preparation and processing of documents, including, without limitation, initial studies, negative declarations, mitigated negative declarations and environmental impact reports subject to contract approval authority delegated to the City Administrator.

8. File notices of preparation, determination, exemption, or other notices required or authorized by CEQA or this Chapter for projects for which the Designated Department Head has responsibility.

9. Execute agreements with public agencies determining the lead agency for a project undertaken by the department for which the Designated Department Head has responsibility.

C. The Planning Commission has responsibility to:

1. Exercise the responsibilities stated in subparagraphs 1, 2, 3, and 4 of subsection D of this section for projects for which the Planning Commission is the final decision-making authority under this Code, except for the possibility of appeal.

2. Make a recommendation to the city council regarding the matters stated in subparagraphs 1, 2, and 3 of subsection D for projects for which the Planning Commission is an advisory body.

3. Conduct public hearings during the public review period for proposed negative declarations and mitigated negative declarations, and draft environmental impact reports.

D. Unless final decision-making authority for a project has been delegated, except for the possibility of appeal, pursuant to this Code or otherwise by the City Council, the City Council has responsibility to:

1. Certify that a final environmental impact report prepared for a project has been completed in compliance with CEQA and this Chapter and make the determinations required by Sections 15091, 15092, and 15093 of the State CEQA Guidelines before taking final action to approve a project subject to this Chapter.

2. Adopt final negative declarations and final mitigated negative declarations before taking action to approve a project for which an environmental impact report is not required unless the project is otherwise exempt from the requirements of CEQA and this Chapter.

3. Adopt mitigation monitoring and reporting programs as required by Section 15097 of the State CEQA Guidelines.

4. Approve a determination of exemption made by the Community Development Director or a Designated Department Head before taking final action to approve a project.

5. Consider appeals of determinations of the Planning Commission, Community Development Director, or a Designated Department Head.

Section 22.100.170 Supplemental Administrative Rules.

The Community Development Director and Designated Department Heads may establish supplemental administrative orders, policies, or procedures to implement the provisions of this Chapter applicable to their respective responsibilities.

Section 22.100.180 Time Limits for Preparation of Environmental Documents.

A. The Community Development Director and Designated Department Heads are directed to perform the responsibilities under this Chapter in a timely manner to prevent delay and within the time limits established by CEQA or the State CEQA Guidelines.

B. The Community Development Director and Designated Department Heads may agree on behalf of the City to extend time periods as provided in CEQA and the State CEQA Guidelines within the scope of their respective responsibilities.

Section 22.100.190 Environmental Documents and Records.

The Community Development Department is designated as the custodian of City environmental review records, except for records of actions within the delegated responsibility of Designated Department Head. The Community Development Department is responsible for preparing the record of proceedings of public hearings held pursuant to this Chapter. Designated Department Heads are designated as custodian of City environmental review records for activities of the department for which the Designated Department Head has responsibility.

Section 22.100.200 Indemnification.

The applicant is responsible and must indemnify the city for any and all costs the city incurs in defending any action alleging noncompliance with CEQA or this Chapter, including all costs, expenses and attorneys' fees resulting from any information submitted to the City by the applicant, including without limitation, any negative declaration, mitigated negative declaration, draft or final environmental impact report, or mitigation measure monitoring program.

SECTION 2: This ordinance supersedes City Council Resolution No. 94-064 and the list of City determined examples of activities/projects qualifying as ministerial or categorically exempt from CEQA established by City Council Resolution No. 98-149 and stated in the inter-office memorandum dated March 9, 1999 on file with the Community Development Department.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Mark Howard, Risk Manager
Ariel Pierre Calonne, City Attorney

SUBJECT: Adoption Of A Resolution Delegating Authority To The City Administrator To Make Determinations Of Disability Status For CalPERS Disability Retirement

RECOMMENDATION:

That Council adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Delegating Authority to the City Administrator to Make Determinations Regarding Disability Retirement and for the Filing of Employer-Originated Disability Applications to the California Public Employees' Retirement System (CalPERS), and to Make Determinations on Industrial Disability Retirement for Safety Employees Either Initiated by the Safety Employee or the City.

DISCUSSION:

The City of Santa Barbara is a contracting agency with CalPERS for local safety and non-safety members. As a contract member of CalPERS, the City has available to its employees, the provision for a disability retirement, if an employee has a disabling injury or illness that prevents the employee from performing the essential functions of his/her job classification.

To qualify for a disability retirement, the employee must have at least five years of service credit, and be mentally or physically incapacitated from performing the essential functions of his/her job classification. There is no minimum age requirement for a disability retirement and the disability does not need to be related to employment. An application for a disability retirement may be made either by the City or by the employee. Following the filing of the application, CalPERS requests the City to determine whether or not the employee is incapacitated to perform his or her duties.

For an industrial disability retirement, there is no minimum service credit or age requirement, however the disabling injury or illness must be the result of a job-related

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injury or illness. The City's contract with CalPERS allows that only public safety members ("local safety members") are eligible for an industrial disability retirement.

In all cases where an employee is applying for a disability or industrial disability retirement, the employee is required to submit all medical information provided by the employee, employer and/or workers' compensation carrier.

City Council adopted Resolution No. 80-035 on April 1, 1980 authorizing processing of disability and industrial disability applications for local safety members. This resolution outlines the administrative procedures for the disability retirement process of local safety employees of CalPERS. As authorized by Government Code Section 21034 and Resolution 80-035, City Council has delegated to the City Administrator, the authority determine the eligibility of a public safety employee to receive the industrial disability retirement benefit and notify CalPERS about the decision. Even though the law remains the same, the statutory numbers within the Government Code have changed, therefore, staff recommends adopting a new resolution delegating that same authority to the City Administrator.

Government Code section 21156(a)(2) provides that the board or governing body of the contracting agency shall make a determination on a member's disability retirement on the basis of competent medical opinion and shall not use disability retirement as a substitute for the disciplinary process. Therefore, in situations where an employee has filed an application for disability retirement with CalPERS, the Public Employees' Retirement Law (PERL) requires the City to make two determinations: First that the employee is or is not "disabled;" and second, if the employee is disabled, whether the disability is "industrial."

In making this determination, Government Code Section 21156(b)(1) provides that the governing body of a contracting agency, upon receipt of request of the board pursuant to Government Code Section 21154, shall certify its determination to the CalPERS Board, which will approve or disapprove the application for disability retirement based on the contracting agency's determination.

Under PERL, an employee is disabled if his or her condition renders him or her substantially incapable of performing work duties either permanently or for an extended, uncertain period of time exceeding six months. Under PERL, a safety employee's disability is industrial if the disability resulted from an injury or disease arising out of and in the course of the employee's employment.

While disability retirement applications may be initiated by the CalPERS member, the City is required under California Government Code Section 21153 to submit a disability retirement application for an employee believed to be disabled but who chooses not to apply for him or herself (this does not involve cases of industrial disability). Once the disability application is submitted, CalPERS makes the final determination as to disability under PERL. (Unlike an industrial disability retirement, CalPERS makes the final determination as to disability under PERL.)

Council Agenda Report

Adoption Of A Resolution Delegating Authority To The City Administrator To Make Determinations Of Disability Status For CalPERS Disability Retirement

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For a non-industrial injury or disease for both safety employees and all other employees, as well as an industrial injury or disease for non-safety employees, a disability retirement application may be initiated by the governing body of the contracting agency (City Council), or by an official designated by the governing body pursuant to California Government Code Section 21152 (c) (this section was renumbered and was previously Government Code Section 21023). The City Council is permitted, pursuant to Government Code Section 21173, to delegate its authority to make such disability determinations to a subordinate officer, such as the City Administrator. As a result, the City Administrator will be authorized to make determinations of an employee's disability without City Council evaluation on a case-by-case-basis.

Delegating the authority to determine an industrial disability retirement to the City Administrator is consistent with standards implemented by other cities. It is appropriate that the medical and personal information included in an industrial disability retirement application be kept confidential; continuing to delegate the decision making authority to the City Administrator eliminates the need to bring forth these applications at a public meeting. In addition, there could be savings in certain circumstances because this authority would enable an employee to be retired sooner by streamlining the disability retirement process. This would also allow a vacated position to be filled more readily, ending any overtime or other forms of pay that may have been incurred to cover the position while the employee was still employed and not able to fully perform the essential duties of the position.

CONCLUSION

Therefore, in making it more efficient for the City to meet its statutory obligation to submit a disability retirement application for those employee(s) believed to be disabled but choose not to apply, that City Council delegate its authority to make applications regarding disability retirement to the City Administrator and further delegates to the City Administrator the authority to make industrial determinations for safety employees, and to certify such determinations and communicate all other necessary information to CalPERS.

PREPARED BY: John S. Doimas, Assistant City Attorney

SUBMITTED BY: Mark Howard, Risk Manager

APPROVED BY: City Administrator's Office

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RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DELEGATING AUTHORITY TO THE CITY ADMINISTRATOR TO MAKE DETERMINATIONS REGARDING DISABILITY RETIREMENT AND FOR THE FILING OF EMPLOYER-ORIGINATED DISABILITY APPLICATIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS), AND TO MAKE DETERMINATIONS ON INDUSTRIAL DISABILITY RETIREMENT FOR SAFETY EMPLOYEES EITHER INITIATED BY THE SAFETY EMPLOYEE OR THE CITY

WHEREAS, the City of Santa Barbara is a contracting agency of the California Public Employees' Retirement System; and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law; and

WHEREAS, California Government Code Section 21153 requires a contracting agency, such as the City, to submit a disability retirement application for an employee believed to be disabled, who chooses not to apply for him or herself; and

WHEREAS, the City of Santa Barbara may delegate authority under Government Code Section 21173 to make such determination to the incumbent in the position of the City Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

1. The City Council delegates to the incumbent of the position of City Administrator, the authority to make applications on behalf of the City of Santa Barbara pursuant to Government Code Section 21152(c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability; and

2. The City Council delegate to the incumbent of the position of the City Administrator, authority to make determinations of disability on behalf of the City under Government Code Section 21156 and determine whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Treasury Division, Finance Department

SUBJECT: August 2020 Investment Report

RECOMMENDATION:

That Council accept the August 2020 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of August 31, 2020.

ATTACHMENT: August 2020 Investment Report

PREPARED BY: Salvatore Parrilla, Finance Analyst

SUBMITTED BY: Pamela Antil, Assistant City Administrator

APPROVED BY: City Administrator's Office

ATTACHMENT

CITY OF SANTA BARBARA
Activity and Interest Report
August 31, 2020

INVESTMENT ACTIVITY

INVESTMENT INCOME

PURCHASES OR DEPOSITS

8/17 FNMA	\$ 3,000,000
8/19 FAMCA	3,000,000
8/26 FNMA	4,000,000
Total	\$ 10,000,000

POOLED INVESTMENTS

Interest Earned on Investments	\$ 287,824
Amortization	4,190
Total	\$ 292,014

SALES, MATURITIES, CALLS OR WITHDRAWALS

8/14 FHLB	\$ (2,000,000)
8/27 FHLMC	\$ (3,000,000)
8/31 USTN	\$ (2,000,000)
Total	\$ (7,000,000)

ACTIVITY TOTAL

\$ 3,000,000

INCOME TOTAL

\$ 292,014

CITY OF SANTA BARBARA
Summary of Cash and Investments
August 31, 2020

ENDING BALANCE AS OF July 31, 2020

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
MUFG Union Bank NA Checking Account	\$ 11,445,479	0.450%	6.21%	1
MUFG Union Bank NA Savings Account	515	0.050%	0.00%	1
State of California LAIF	75,000,000	0.920%	40.69%	1
Certificates of Deposit	1,000,000	2.250%	0.54%	60
Treasury Securities	9,988,116	1.751%	5.42%	832
Federal Agency Issues - Coupon	67,001,670	1.954%	36.35%	866
Corporate/Medium Term Notes	19,904,737	2.613%	10.80%	993
	184,340,517	1.502%	100.00%	468
Totals and Averages	\$ 184,340,517	1.502%	100.00%	468
Total Cash and Investments	\$ 184,340,517			

NET CASH AND INVESTMENT ACTIVITY FOR August 2020

\$ 14,733,337

ENDING BALANCE AS OF August 31, 2020

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
MUFG Union Bank NA Checking Account	\$ 23,174,830	0.450%	11.64%	1 (1)
MUFG Union Bank NA Savings Account	311	0.050%	0.00%	1
State of California LAIF	75,000,000	0.784%	37.67%	1 (2)
Certificates of Deposit	1,000,000	2.250%	0.50%	29
Treasury Securities	7,988,726	1.786%	4.01%	1,002
Federal Agency Issues - Coupon	72,001,926	1.757%	36.17%	855
Corporate/Medium Term Notes	19,908,060	2.613%	10.00%	962
	199,073,854	1.328%	100.00%	446
Totals and Averages	\$ 199,073,854	1.328%	100.00%	446
Total Cash and Investments	\$ 199,073,854			

Note: (1) Earnings Credit Rate (ECR) is provided at the rate of 0.450% by MUFG Union Bank, N.A. to help offset banking fees.

(2) The average life of the LAIF portfolio as of August 31, 2020 is 157 days.

CITY OF SANTA BARBARA

Investment Portfolio

August 31, 2020

	PURCHASE	MATURITY	QUALITY RATING		STATED	YIELD AT	FACE	BOOK	MARKET	BOOK	
DESCRIPTION	DATE	DATE	MOODY'S	S & P	RATE	365	VALUE	VALUE	VALUE	GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.784	0.784	75,000,000.00	75,000,000.00	75,000,000.00	0.00	
Subtotal, LAIF							75,000,000.00	75,000,000.00	75,000,000.00	0.00	
CERTIFICATES OF DEPOSIT											
AMERICAN EXPRESS CENTURION BK	09/30/15	09/30/20	-	-	2.250	2.250	250,000.00	250,000.00	250,458.25	458.25	FDIC Certificate 27471
BMW BK NORTH AMERICA	09/30/15	09/30/20	-	-	2.200	2.200	250,000.00	250,000.00	250,458.25	458.25	FDIC Certificate 35141
CAPITAL ONE NA	09/30/15	09/30/20	-	-	2.250	2.250	250,000.00	250,000.00	250,458.25	458.25	FDIC Certificate 4297
DISCOVER BANK	09/30/15	09/30/20	-	-	2.300	2.300	250,000.00	250,000.00	250,468.75	468.75	FDIC Certificate 5649
Subtotal, Certificates of deposit							1,000,000.00	1,000,000.00	1,001,843.50	1,843.50	
TREASURY SECURITIES - COUPON											
U S TREASURY NOTE	05/03/19	04/30/24	Aaa	AA+	2.250	2.342	2,000,000.00	1,993,679.29	2,150,390.00	156,710.71	
U S TREASURY NOTE	06/27/19	08/31/22	Aaa	AA+	1.875	1.743	2,000,000.00	2,005,101.74	2,069,376.00	64,274.26	
U S TREASURY NOTE	01/22/20	02/28/23	Aaa	AA+	1.500	1.527	2,000,000.00	1,998,682.29	2,067,812.00	69,129.71	
U S TREASURY NOTE	01/22/20	06/30/23	Aaa	AA+	1.375	1.534	2,000,000.00	1,991,262.95	2,069,062.00	77,799.05	
Subtotal, Treasury Securities							8,000,000.00	7,988,726.27	8,356,640.00	367,913.73	
FEDERAL AGENCY ISSUES - COUPON											
FED AGRICULTURAL MTG CORP	12/29/16	01/15/21	-	-	2.000	2.000	2,000,000.00	2,000,000.00	2,014,598.00	14,598.00	
FED AGRICULTURAL MTG CORP	05/09/19	04/03/23	-	-	2.360	2.371	2,000,000.00	1,999,468.95	2,110,708.00	111,239.05	
FED AGRICULTURAL MTG CORP	02/12/20	02/12/24	-	-	1.390	1.480	2,000,000.00	1,993,984.60	2,074,972.00	80,987.40	
FED AGRICULTURAL MTG CORP	08/19/20	08/19/22	-	-	0.250	0.250	3,000,000.00	3,000,000.00	2,999,100.00	(900.00)	Callable 11/19/20, Q
FEDERAL FARM CREDIT BANK	10/26/17	10/26/20	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,004,980.00	4,980.00	
FEDERAL FARM CREDIT BANK	05/03/17	05/03/21	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,021,224.00	21,224.00	
FEDERAL FARM CREDIT BANK	01/31/19	10/23/23	Aaa	AA+	2.650	2.670	2,000,000.00	1,998,856.03	2,149,182.00	150,325.97	
FEDERAL FARM CREDIT BANK	06/24/19	06/14/22	Aaa	AA+	1.875	1.839	2,000,000.00	2,001,237.93	2,060,444.00	59,206.07	
FEDERAL FARM CREDIT BANK	06/27/19	12/12/22	Aaa	AA+	1.875	1.830	2,000,000.00	2,001,965.12	2,075,406.00	73,440.88	
FEDERAL FARM CREDIT BANK	06/18/20	06/17/24	Aaa	AA+	0.680	0.680	2,000,000.00	2,000,000.00	2,001,198.00	1,198.00	Callable 06/17/21, P
FEDERAL HOME LOAN BANK	11/22/16	11/22/21	Aaa	AA+	1.750	1.750	2,000,000.00	2,000,000.00	2,039,656.00	39,656.00	
FEDERAL HOME LOAN BANK	10/04/18	09/28/23	Aaa	AA+	3.200	3.227	2,000,000.00	1,999,905.46	2,003,526.00	3,620.54	Callable 1X on 09/28/20.
FEDERAL HOME LOAN BANK	10/26/18	10/26/22	Aaa	AA+	3.150	3.150	2,000,000.00	2,000,000.00	2,008,626.00	8,626.00	Callable 1X on 10/26/20.
FEDERAL HOME LOAN BANK	01/22/19	01/22/24	Aaa	AA+	2.830	2.830	2,000,000.00	2,000,000.00	2,018,232.00	18,232.00	Callable 1X on 01/22/21.
FEDERAL HOME LOAN BANK	01/29/20	07/22/24	Aaa	AA+	1.770	1.739	4,000,000.00	4,004,690.27	4,046,328.00	41,637.73	Callable on 07/22/21, Q
FEDERAL HOME LOAN MTG CORP	05/25/17	05/25/22	Aaa	AA+	2.050	2.050	2,000,000.00	2,000,000.00	2,065,366.00	65,366.00	

CITY OF SANTA BARBARA

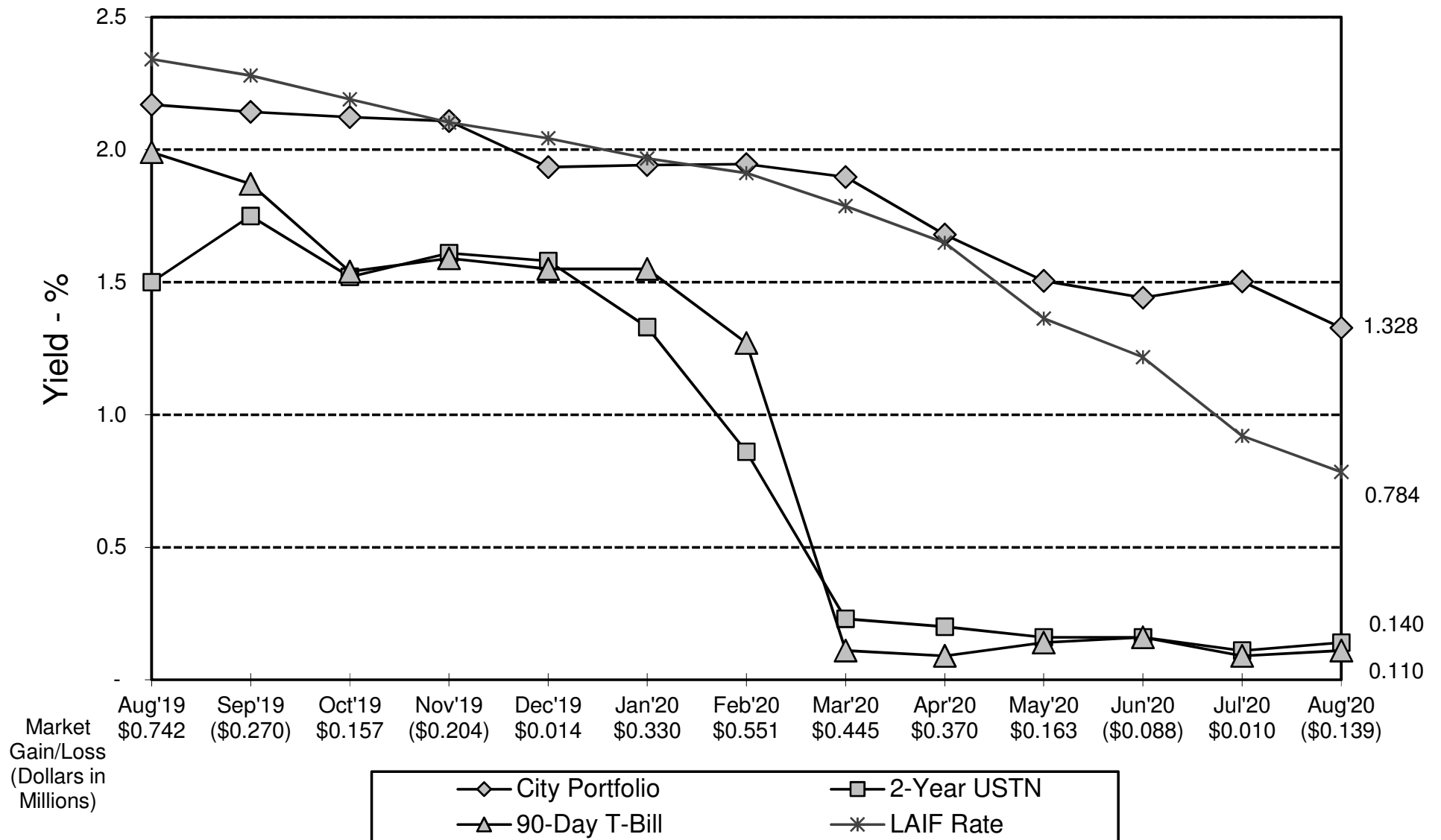
Investment Portfolio

August 31, 2020

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING		STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN MTG CORP	02/27/17	11/27/20	Aaa	AA+	1.850	1.850	2,000,000.00	2,000,000.00	2,008,088.00	8,088.00	
FEDERAL HOME LOAN MTG CORP	03/16/17	09/16/21	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,038,730.00	38,730.00	
FEDERAL HOME LOAN MTG CORP	04/27/17	07/27/21	Aaa	AA+	1.800	1.800	2,000,000.00	2,000,000.00	2,029,958.00	29,958.00	
FEDERAL HOME LOAN MTG CORP	06/22/17	12/22/20	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	2,009,514.00	9,514.00	
FEDERAL HOME LOAN MTG CORP	10/26/17	04/26/21	Aaa	AA+	1.850	1.850	2,000,000.00	2,000,000.00	2,022,522.00	22,522.00	
FEDERAL HOME LOAN MTG CORP	11/17/17	08/17/21	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,035,310.00	35,310.00	
FEDERAL HOME LOAN MTG CORP	05/30/18	05/26/23	Aaa	AA+	3.000	3.000	2,000,000.00	2,000,000.00	2,036,948.00	36,948.00	Callable 1X on 5/26/2021.
FEDERAL HOME LOAN MTG CORP	03/29/17	03/29/21	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,021,738.00	21,738.00	
FEDERAL HOME LOAN MTG CORP	09/30/19	09/30/24	Aaa	AA+	2.000	2.000	2,000,000.00	2,000,000.00	2,002,216.00	2,216.00	Callable on 09/30/20 , A
FEDERAL HOME LOAN MTG CORP	10/28/19	10/28/24	Aaa	AA+	1.875	1.875	2,000,000.00	2,000,000.00	2,004,650.00	4,650.00	Callable 1X, on 10/28/2020
FEDERAL HOME LOAN MTG CORP	01/29/20	01/22/24	Aaa	AA+	1.750	1.724	4,000,000.00	4,003,408.23	4,020,464.00	17,055.77	Callable on 01/22/21, A
FEDERAL HOME LOAN MTG CORP	02/18/20	12/18/23	Aaa	AA+	1.600	1.596	2,000,000.00	2,000,000.00	2,007,768.00	7,768.00	Callable on 12/18/20, A
FEDERAL NATL MORTGAGE ASSN	01/22/20	02/26/21	Aaa	AA+	1.375	1.540	2,000,000.00	1,998,409.90	2,012,076.00	13,666.10	
FEDERAL NATL MORTGAGE ASSN	01/31/20	10/30/23	Aaa	AA+	1.700	1.700	2,000,000.00	2,000,000.00	2,004,338.00	4,338.00	Callable on 10/30/20, Q
FEDERAL NATL MORTGAGE ASSN	08/17/20	08/17/23	Aaa	AA+	0.310	0.310	3,000,000.00	3,000,000.00	2,998,845.00	(1,155.00)	Callable 02/17/2022, Q
FEDERAL NATL MORTGAGE ASSN	08/26/20	08/26/25	Aaa	AA+	0.600	0.600	4,000,000.00	4,000,000.00	4,001,904.00	1,904.00	Callable 08/26/22, Q
Subtotal, Federal Agencies							72,000,000.00	72,001,926.49	72,948,615.00	946,688.51	
CORPORATE/MEDIUM TERM NOTES											
APPLE INC	01/24/19	05/11/22	Aa1	AA+	2.300	2.847	2,000,000.00	1,982,414.32	2,065,216.00	82,801.68	
APPLE INC	04/23/19	05/03/23	Aa1	AA+	2.400	2.718	2,000,000.00	1,983,997.63	2,111,360.00	127,362.37	
APPLE INC	09/11/19	09/11/24	Aa1	AA+	1.800	1.903	2,000,000.00	1,992,121.67	2,101,044.00	108,922.33	
BERKSHIRE HATHAWAY INC	04/05/18	03/15/23	Aa2	AA	2.750	3.016	2,000,000.00	1,987,532.63	2,115,200.00	127,667.37	
BERKSHIRE HATHAWAY FIN	12/12/18	05/15/22	Aa2	AA	3.000	3.204	2,000,000.00	1,993,446.68	2,094,486.00	101,039.32	
MICROSOFT CORP	03/11/19	02/06/22	Aaa	AAA	2.400	2.564	2,000,000.00	1,995,495.60	2,057,104.00	61,608.40	
MICROSOFT CORP	05/23/19	08/08/23	Aaa	AAA	2.000	2.535	2,000,000.00	1,970,348.18	2,094,274.00	123,925.82	
TOYOTA MOTOR CREDIT	07/27/18	07/20/23	A1	A	3.419	3.392	2,000,000.00	2,001,413.92	2,162,962.00	161,548.08	
TOYOTA MOTOR CREDIT	06/14/19	09/08/22	A1	A	2.150	2.182	2,000,000.00	1,998,750.86	2,070,824.00	72,073.14	
TOYOTA MOTOR CREDIT	03/16/20	02/13/25	A1	A	1.800	1.770	2,000,000.00	2,002,538.54	2,091,918.00	89,379.46	
Subtotal, Corporate Securities							20,000,000.00	19,908,060.03	20,964,388.00	1,056,327.97	
CHECKING ACCOUNT											
MUFG UNION BANK NA CHKNG ACCNT	-	-	-	-	0.450	0.450	23,174,830.14	23,174,830.14	23,174,830.14	0.00	
Subtotal, Checking Account							23,174,830.14	23,174,830.14	23,174,830.14	0.00	
SAVINGS ACCOUNT											
MUFG UNION BANK NA SVNGS ACCNT	-	-	-	-	0.050	0.050	310.80	310.80	310.80	0.00	
Subtotal, Cash							310.80	310.80	310.80	0.00	
TOTALS							199,175,140.94	199,073,853.73	201,446,627.44	2,372,773.71	

Market values have been obtained from the City's safekeeping agent, Montecito Bank & Trust ("MB&T").

INVESTMENT YIELDS





CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Administration Division, Finance Department

SUBJECT: Approval Of Banking Services

RECOMMENDATION:

That Council approve the Third Amendment to Agreement No. 25,036 with MUFG Union Bank for banking services, executing a 14-month extension, with an option to extend the agreement for two, one-year periods, at a cost estimated at \$6,500 per month.

DISCUSSION:

Background

On October 30, 2018, after the City had sent out a request for proposals (RFP) for banking and trust services, staff recommended staying with Union Bank and executing two amendments to the existing agreement (No. 25,036), which had expired on December 31, 2017. Council retroactively approved the First Amendment, covering the period from January 1, 2018 through October 31 2018. Council also approved the Second Amendment, which covered the two-year period from November 1, 2018 through October 31, 2020, and included three one-year options to extend the term. The Second Amendment also raised the Earnings Credit Rate ("ECR") from 0.40% to 1.15%. The ECR represents the interest earned on monies the City has in its checking account which are used to offset fees.

In response to the economic impacts of COVID-19, and in order to adjust to the current interest rate environment, Union Bank recently changed the ECR from a fixed rate of 1.15% to a variable rate (currently 0.25%). The change in ECR prompted the City and Union Bank to amend the current contract. In light of the current economic conditions, the ECR will continue at a variable rate for the remainder of the contract. Today, the City's banking fees with Union Bank, after factoring in the new ECR, are approximately \$6,500 per month, or \$78,000 per year.

In light of the COVID-19 pandemic and the workload impacts associated with changing banks, staff recommends staying with Union Bank and executing an amendment to the existing agreement (No. 25,036). The Third Amendment will incorporate the same fees, the change in ECR, and include other minor adjustments to the terms. The Third Amendment will cover a 14-month period and include two one-year options to extend the term.

A copy of the Third Amendment to Agreement may be requested from the Finance Department for public review. Please contact Jen Nichoson at JNichoson@SantaBarbaraCA.Gov to request a copy.

BUDGETARY INFORMATION:

The City's Fiscal Year 2021 adopted budget already has sufficient appropriation authority to cover the first year of the agreement.

PREPARED BY: Jennifer Tomaszewski, Interim Finance Director

SUBMITTED BY: Jennifer Tomaszewski, Interim Finance Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Annual Contract With The Santa Barbara County Office Of Arts And Culture And Grant Funding Strategy

RECOMMENDATION: That Council:

- A. Authorize the City Administrator to execute an agreement with the Santa Barbara County Office of Arts and Culture in the amount of \$436,090, including \$274,590 of funds to be regranted, as approved in the Fiscal Year 2020-2021 budget; and
- B. Review and approve the grant funding strategy for the Community Arts, Organizational Development, and Community Events & Festivals programs for \$274,590 in grant funding for Fiscal Year 2020-2021.

DISCUSSION:

In the Fiscal Year 2021 budget, City Council authorized funds to the Santa Barbara County Office of Arts and Culture to administer and disburse grants for Community Arts, Organizational Development, and Community Events & Festivals programs, staff the City Arts Advisory Committee and Community Events & Festivals Committee, and provide support and resources to local artists and art organizations. Consistent with a citywide approach to address revenue shortfalls, the annual contract amount was decreased from the prior year, with staff and project support receiving a 5% reduction and regranteeing funds for events and arts activities receiving a 10% reduction. Given the pandemic and public health restrictions for events and activities, City advisory committees have convened to review and discuss guidelines for individual grant categories and determine appropriate funding criteria for the upcoming year. Since the climate for events and group activities is remains uncertain and future guidelines or protocols are unavailable, the granting period is projected to begin in January 2021.

Community Events & Festivals

The Community Events & Festivals Grant Program provides funds to local organizations for events and festivals which contribute to the cultural vitality and promotion of the City of Santa Barbara. For the upcoming fiscal year, support for the 2020-2021 grant cycle is proposed to support the resilience and sustainability of organizations that produce events and festivals. Funding for this grant cycle will be awarded to organizations for projects that focus on capacity building through the development of alternative revenue streams and/or adaptive program models under current public health guidelines.

The City Community Events & Festivals Committee will review the applications and will present funding recommendations to Council in December 2020. The total amount available for this program is \$95,490. Groups applying for Community Events & Festivals grants are not eligible to receive funding from other City grant programs.

Community Arts

The Community Arts Grant Program funds community arts groups that provide small-scale projects and programs for underserved communities, children and youth. Often, projects supported by Community Arts grants occur one time only and are not offered on an ongoing basis. The objective of the Community Arts Grant Program is to ensure accessibility to the arts for all members of Santa Barbara's community. All grants are made for projects within the City of Santa Barbara.

The City Arts Advisory Committee will review the applications and present funding recommendations to Council in December 2020. The total amount available for this program is \$43,650. Groups applying for Community Arts grants are not eligible to receive funding from other City grant programs.

Organizational Development

The Organizational Development Grant Program provides funding to local arts organizations for arts programs. The applicants to this program are representative of a diverse cross-section of arts organizations, including multicultural and neighborhood arts programs. For the upcoming fiscal year, support for the 2020-2021 grant cycle is proposed to support programs that address increases in audience through direct programmatic partnerships and new marketing strategies or in the development of emergency contingency planning to keep audiences safe and informed.

The City Arts Advisory Committee reviews the applications and will present funding recommendations to Council in December 2020. The total amount available for this program is \$135,450. Groups applying for Organizational Development grants are not eligible to receive funding from other City grant programs.

A copy of the agreement with the Santa Barbara County Office of Arts and Culture may be requested from the City Administrator's Office for public review. Please contact Nina Johnson, Senior Assistant to the City Administrator, at NJohnson@SantaBarbaraCA.Gov to request a copy.

BUDGET/ FINANCIAL INFORMATION:

The Adopted Fiscal Year 2021 budget included a total of \$161,500 for Santa Barbara County Office of Arts and Culture staff support, grant program coordination, and special projects and \$274,590 in grant funding as previously described. The funding amount was decreased from the prior year, with staff and project support receiving a 5% reduction and granting funds receiving a 10% reduction.

PREPARED BY: Nina Johnson, Senior Assistant to the City Administrator

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Facilities Division, Waterfront Department

SUBJECT: Contract For Design Of Waterfront Ice House Refurbishment

RECOMMENDATION:

That Council authorize the Waterfront Director to execute a Professional Services Agreement with Kruger Bensen Ziemer Architects, Inc. (KBZ) in the amount of \$52,425 for design services and completion of construction drawings for the refurbishment of the Waterfront Ice House equipment, and authorize the Waterfront Director to approve expenditures of up to \$5,240 for extra services that may result from necessary changes in the scope of work.

DISCUSSION:

Background

The Waterfront Ice House is located on the City Pier in the Santa Barbara Harbor and has been providing high-quality flake ice for the commercial fishing industry since the mid 1990's. The Ice House provides a critical service that supports the needs of the local commercial fishing industry. The ice is used in all stages of the commercial fishing process from storing offshore catch to packing and shipping product. The local commercial fishing industry depends on the reliable operation of the Waterfront Ice House.

The existing Ice House has exceeded its useful life and the equipment regularly fails requiring expensive and timely repairs. Additionally, replacement parts for aging equipment are becoming increasingly more difficult to source. The Waterfront Department has planned for this necessary equipment refurbishment and included \$600,000 in the FY 2020 Capital Improvement Program (CIP) for the project.

As of June 2020, preliminary design work has been completed. A design team consisting of a local architect (KBZ), structural engineer, Public Works Engineering, and Waterfront staff reviewed and approved the preliminary design concept. Waterfront staff would now like to contract with KBZ for final design and construction documents for the Ice House

refurbishment. KBZ is experienced in this type of work and was selected as a result of its historical knowledge and involvement in preliminary design work with the Ice House.

Project Description

The existing ice making equipment is housed in a two-story building at the end of the City Pier. The Ice House is capable of producing 10 tons of flake ice per day. The refrigerated bin has capacity to store up to 12 tons of ice. Historic records indicate that the capacity of the ice maker and storage bin meets the needs of the Waterfront and the local commercial fishing fleet. Therefore, the proposed plan is to replace the equipment within the existing building footprint with a new self-contained, skid mount ice making system. This will require the removal of some of the building walls in order to access the existing equipment. The design intends to return the existing building to its original appearance once the internal equipment is replaced. Once complete, the refurbished ice making system will be newer, more efficient, more reliable, and the building exterior will be returned to its original appearance.

Funding

The following summarizes all estimated total Project costs:

ESTIMATED TOTAL PROJECT COST

Preliminary Design (by Contract)	\$27,000
Structural Analysis (by Contract)	\$16,700
Final Design (by Contract)	\$52,425
Final Design - Extra Services	\$5,240
Subtotal	\$101,365
Estimated Construction Contract w/Change Order Allowance	\$495,000
Subtotal	\$495,000
TOTAL PROJECT COST	\$596,365

This project is in the Waterfront Capital Improvement Program and there are sufficient appropriated funds in the Waterfront Capital Fund budget to cover these costs.

SUSTAINABILITY IMPACT:

The Project will replace aging motors and cooling equipment with newer more energy efficient equipment.

A copy of the contract may be requested from the Waterfront Department for public review. Please contact Angela Rodriguez at ARodriguez@SantaBarbaraCA.gov to request a copy.

PREPARED BY: Mike Wiltshire, Waterfront Director

SUBMITTED BY: Mike Wiltshire, Waterfront Director

APPROVED BY: City Administrator's Office

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: City Clerk's Division, City Administrator's Department

SUBJECT: Community Formation Commission Extension Of Application Deadline

RECOMMENDATION:

That Council extend the application deadline for the Community Formation Commission from October 30, 2020 to December 4, 2020.

DISCUSSION:

On August 18, 2020, City Council ordered the creation of a Community Formation Commission, with applications for appointment due on October 30, 2020. In order to allow for a greater number and variety of applicants, staff is recommending that the due date be extended to December 4, 2020. Staff is tentatively planning for the interviews to be held at the January 12, 2021 Council meeting, and appointments at the following regular Council meeting.

PREPARED BY: Sarah Gorman, City Clerk Services Manager

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Council

FROM: City Administrator's Office

SUBJECT: Request From The Barbareño Chumash Tribal Council To Rename
Indio Muerto Street To Hutash Street

RECOMMENDATION: That Council:

- A. Consider the request from the Barbareño Chumash Tribal Council to rename Indio Muerto Street to Hutash Street; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Renaming All of Indio Muerto Street Between South Salinas Street and South Milpas Street to Hutash Street.

DISCUSSION:

On June 15, 2020, the City Administrator's Office received a request from the Barbareño Tribal Council (Attachment 1) to rename Indio Muerto Street to Hutash Street, which means "Earth Mother" in the Chumash language.

Santa Barbara Municipal Code (SBMC) Chapter 22.48 sets forth the following process for renaming public facilities, including streets:

- 1) Submit the request to the City Administrator along with information substantiating the request as set forth in SBMC Chapter 22.48;
- 2) The City Administrator refers the request to an advisory body for consideration;
- 3) The advisory body holds a public hearing to consider the necessity or desirability of renaming the facility, and the proposed name and any alternatives; and,
- 4) The advisory body prepares a recommendation for action by the City Council in relation to the request.

Principles, Policies, and Priorities:

Pursuant to SBMC Chapter 22.48.020, names for public facilities shall conform to the following principles, policies, and priorities:

- A. The existing name is found to be inappropriate;
- B. As a general policy, names which commemorate the culture and history of Santa Barbara will be given first priority; those names commemorating California history may be given second priority;
- C. The name of an individual shall be considered only if such individual has made a particularly meritorious and outstanding contribution, over a period of several years, to the general public interest or the interests of the City;
- D. A preference shall be given to names of long established local usage, names which are euphonious, and names which lend dignity to the facility to be named;
- E. Names selected shall be of enduring, honorable fame, not notoriety, and shall be commensurate with the significance of the facility;
- F. Proliferation of names for different parts of the same facility should be avoided, and the same name should not be applied to a similar kind of facility;
- G. Names with connotations which by contemporary community standards are derogatory or offensive shall not be considered. (Ord. 3485 §1, 1971)

Staff Analysis of Principles, Policies, and Priorities

This report does not provide an exhaustive analysis of the renaming proposal in light of the principles, policies, and priorities outlined above. However, staff provides the following information, in addition to the applicant's written proposal, to assist City Council in forming its own conclusions with regard to the request:

Section A: Appropriateness of Indio Muerto

The streets of the City of Santa Barbara have a long history and are well known for their uniqueness and relation to Santa Barbara culture and history. The book *Street Names of Santa Barbara* by Neil Graffy was published in 2008 and edited in 2015. In this book, Graffy summarized the surveying and street naming process that occurred to create the City's grid of streets and blocks. Salisbury Haley completed the survey. In 1853, Vitus Wackenreuder completed the Official Map. The City Council appointed a Committee to name the streets. Graffy states the following in regard to Indio Muerto and the story behind the name.

Indio Muerto – Literally “dead Indian,” this street owes its name to the discovery of a deceased Indian found in the area during the time of the Haley Survey.

It is important to note that City staff have no reason to discount Graffy's historical perspective. Staff offers this source as a historical perspective. In its request, the Barbareño Chumash Tribal Council argues that Indio Muerto is “insulting, oppressive, and demeaning.”

Section F: Proliferation of Names for Different Parts of the Same Facility

The Municipal Code discourages the proliferation of names for different parts of the same facility [street] in order to prevent wayfinding confusion on the part of residents, businesses, tourists, and especially first responders (e.g. Police and Fire). Since the proposal calls for the renaming of Indio Muerto in its entirety, the proposal aligns with the Municipal Code.

Implementation

The implementation process after City Council approves the street name change through the adoption of a resolution, would be fairly straightforward. City staff estimate that approximately 100-200 residents would be affected, 40 houses, and approximately 5 businesses. The street name change would take effect in the form of updated City Street signs and an Address Letter signed by the City Engineer to all affected property owners with a copy to the City Clerk, County Assessor, County Elections, public utility companies, City Geographic Information Systems, United States Post Office, and additional private mail carriers.

A review of the current street grid indicates the following parties would generally be impacted:

- Industrial businesses and site of potential hotel on Indio Muerto Street between Milpas Street and the 101 Freeway.
- Residential neighborhood on Indio Muerto Street between South Alisos Street and South Salinas Street. These are mostly single family homes with a few apartments. Both the homes and apartments generally only have the numbers posted so costs to change would be minimal.
- Renaming of bridge/culvert on Indio Muerto Street over Sycamore Creek.
- The Santa Barbara Metropolitan Transit District (MTD) does not currently have a route on Indio Muerto Street with East Side Route 2 currently traveling on Punta Gorda Street. As such, MTD would be minimally impacted.

Public Works Department (Public Works) staff anticipate that street numbers would stay the same with only the street name changing. As such, the physical cost to residents will be minimal or none. According to the County Registrar of Voters, voter registration information would automatically be updated to reflect the new street name. Property title or ownership documents should not need to be amended as those recorded documents reference a legal description for the property based on a legal description which is typically either a reference to a recorded map or survey description. Addresses may be informally referenced on those document but changing an address does not change property ownership. Title companies can pull address information directly from the County Assessor rolls which would be updated with the new street name.

Residents and businesses may have additional administrative burden to update their residential and/or business and legal records to notify individuals/entities from which they receive correspondence and do business of the address change. The United States Postmaster for this area offered the following information regarding implementation of the name change:

- It is up to residents and businesses to notify anyone within their own mail network of the street name change.
- The Post Office does not notify any entities (e.g. Internal Revenue Service, Social Security Administration, State Franchise Tax Board, Department of Motor Vehicles, etc.) on behalf of residents and businesses located on the affected street.
- The Post Office will recognize both the former and new name for one (1) year following the name change to allow residents and businesses to notify their own mail networks of the change. In other words, the Post Office will forward mail to the new street name for up to one (1) year.

Included in the proposed Resolution is a staff recommendation to make this street name change effective December 14, 2020 to allow all parties time to prepare.

Neighborhood Advisory Council Recommendation

On August 10, 2020, the Neighborhood Advisory Council voted unanimously to recommend that Council approve the renaming of Indio Muerto Street to Hutash Street.

Public Engagement

A dedicated email address, StreetRenaming@SantaBarbaraCA.Gov, was established to solicit public comment on the renaming proposal. Moreover, the agenda packet for the August 10, 2020 meeting of the Neighborhood Advisory Council was translated into Spanish and real-time Spanish translation was provided during the meeting over the GotoWebinar platform.

Should Council approve the name change, Staff would conduct an informational session in English and Spanish to assist residents or businesses with any questions that they may have. The Address Letter would announce the details of this meeting and be sent to both the site address and mailing address (if different) of the property owner.

BUDGET/FINANCIAL:

The incremental cost to the City to replace street signs along the affected corridor is estimated to be approximately \$1,500.

ENVIRONMENTAL REVIEW

The renaming of Indio Muerto Street, an existing facility, is exempt from CEQA under Public Resources Code § 21080 (b)(2) and CEQA Guidelines § 15301.

ATTACHMENT: Request from the Barbareño Tribal Council

PREPARED BY: Matthew R. Fore, Senior Assistant to the City Administrator
Adam Hendel, Principal Engineer

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office

Barbareño Chumash Tribal Council

1263 E. Valley Rd., Santa Barbara, CA, 93108
Ph: 805-969-1076, email: shalawa2@gmail.com

Carthy Murillo ,Major
City of Santa Barbara
City Hall
De La Guera Plaza
P.O. Box 1990
Santa Barbara, CA 93102

June 15, 2020

Dear Major Murillo,

In Santa Barbara, there is a street named "Indio Muerto" which means dead Indian. We the Chumash Peoples and our supporters demand that this street name must be changed now. It must be changed to another name that is not insulting, oppressive and demeaning.

California Indian peoples have suffered through genocide, discrimination, slavery, stolen land, and Treaties that failed to be ratified or honored.

In this contemporary moment, where racist institutions have been met with increased scrutiny, we are requesting that the City of Santa Barbara change the street named "Indio Muerto" to another name. We propose to change the name of the street to Hutash, our mother earth, a name that has significant and positive meaning for us Chumash and other Indigenous Peoples. The street name Hutash reflects our beginnings, our Earth Mother, the strength and importance of women leaders in our community, and the need for all peoples to recognize the ongoing pandemic of Missing and Murdered Indigenous Women and Girls (MMIWG). Hutash street would be a symbol for our collective survival, strength, and resilience, as well as a call to heal from past, present, and future violence and trauma that are the symptoms of colonialism and racism. The City of Santa Barbara passed a proclamation to proclaim Indigenous Peoples Day and to recognize the Chumash Peoples of Santa Barbara as well as the other Indigenous Peoples that share our community. This proclamation was an attempt, and is part of a movement, to acknowledge this ugly, offensive and disgusting history of ours. It implies that we will work together to change our present for our youth and generations to come. If we are serious about this proclamation, it should also imply the need to change the street name "Indio Muerto".

The effort to change the name is an effort to give Chumash Peoples some respect as well as to wage war on racism amongst Black, Brown, Indian and Asian communities.

Santa Barbara City Code 22.48.030 Charter issue of the change of a Name of a street states:

Existing names and names once established shall not be changed unless, after investigation and Public Hearings, the name is found to be inappropriate. (ORD.3485 § 1,1971).

To illustrate why the name is inappropriate, I would like to share a few of the informative voices of Santa Barbara that support the decision to change the name.

First, I would like to quote a letter from Chumash scholar Fidel Rodriguez to the S. B. Independent last year, as I believe it reflects the feeling and understanding of many Chumash. It states in part:

(cont. next page)

The Barbareño Chumash Council
is an affiliate of the
Seventh Generation Fund
for Indigenous Peoples

Barbareño Chumash Tribal Council

1263 E. Valley Rd., Santa Barbara, CA, 93108
Ph: 805-969-1076, email: shalawa2@gmail.com

Carthy Murillo ,Major
City of Santa Barbara
City Hall
De La Guera Plaza
P.O. Box 1990
Santa Barbara, CA 93102

June 15, 2020

"The street name was named in 1851 after Santa Barbara and the rest of California and Southwest had become the United States after its annexation from Mexico in 1849. Furthermore, the cultural hegemonic (dominant) sentiment beginning with the Pilgrims in the 17th century and eventually evolving in 18th century in the United States was, 'the only good Indian is a dead Indian,' later to be quoted by US General Philip Sheridan in the 1860's that 'The only good Indians I ever saw were dead.' We must understand how historical symbols reflect what the dominant class (Euro-Americans) at the time wanted to exhibit, promote and market into the subconscious all across the country.

To begin to unveil the true meaning of "Indio Muerto" (Dead Indian) people need to study the history of the Spanish colonization period in Santa Barbara and Americas manifest destiny period. This narrative is the key to understanding why the street sign was named and why it still exists. The sign reflects an inhuman and dehumanizing part of our history, that is a fact. Both periods were devastating to the Chumash as well other indigenous nations throughout the western hemisphere."

Second I would like to share the words and insight Pratik Raghu, a UCSB Global Studies PhD student and scholar, who shared the following in a correspondence:

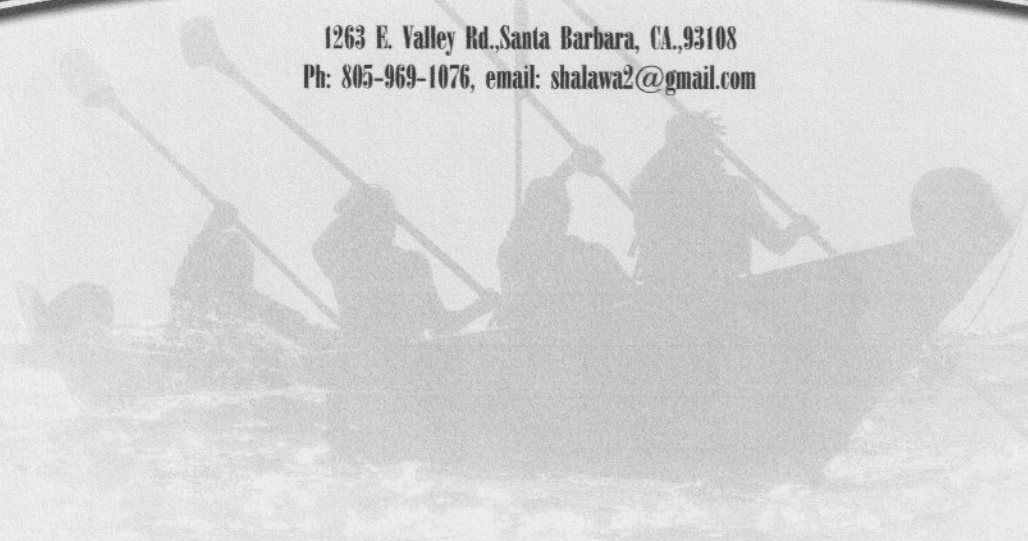
"I was appalled to learn of this street approximately a year ago. Its name not only celebrates the policies of displacement, enslavement, exploitation, and outright extermination to which the original occupants and rightful stewards of this land have been subjected but, furthermore, ignores their survival in the face of these destructive processes and their continuing existence to this day. Indio Muerto Street is more than an insensitive or "politically incorrect" gesture towards Indigenous peoples here and elsewhere: it fundamentally denies their agency and dignity in ways that stand to negatively affect their political, economic, and psychosocial wellbeing."

Because racism still exists in Santa Barbara, California, and in the USA, we need stand up to ensure that Black lives do matter, that Indigenous self-determination is honored, and that all manifestations of institutional racism are challenged and eliminated no matter what form it takes nor what people and groups support racism.

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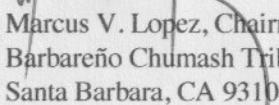


Carthy Murillo ,Major
City of Santa Barbara
City Hall
De La Guera Plaza
P.O. Box 1990
Santa Barbara, CA 93102

June 15, 2020

The issue of changing the name of Indio Muerto, is one of giving respect, dignity, and humanity to our Santa Barbara community through understanding how racism is reproduced and practiced in many aspects of our history. Finally, it highlights the diverse manifestations of racism and its harmful consequences. The time to change the name "Indio Muerto" is now. To change the name to Hutash Street.

Thank you,


Marcus V. Lopez, Chairman
Barbareño Chumash Tribal Council,
Santa Barbara, CA 93108

The Barbareño Chumash Council
is an affiliate of the
Seventh Generation Fund
for Indigenous Peoples

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA RENAMING ALL OF INDIO
MUERTO STREET BETWEEN SOUTH SALINAS
STREET AND SOUTH MILPAS STREET TO HUTASH
STREET

WHEREAS, the City of Santa Barbara has received a request to rename Indio Muerto Street, between South Salinas Street and South Milpas Street to Hutash Street; and,

WHEREAS, the Council of the City of Santa Barbara has heard and considered the recommendation of the Neighborhood Advisory Council and has heard and considered the material presented at public hearing, good cause appearing; and,

WHEREAS, the Council of the City of Santa Barbara desires to provide a period of time after adoption for parties to prepare for renaming Indio Muerto Street to minimize impacts to businesses/residents and procure and install the new street signs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA, AS FOLLOWS:

SECTION 1. The existing name for the street is no longer appropriate.

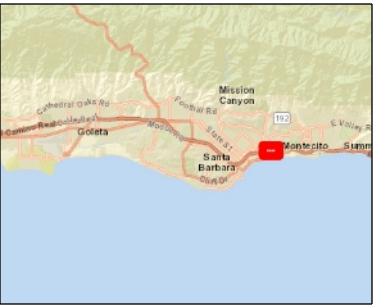
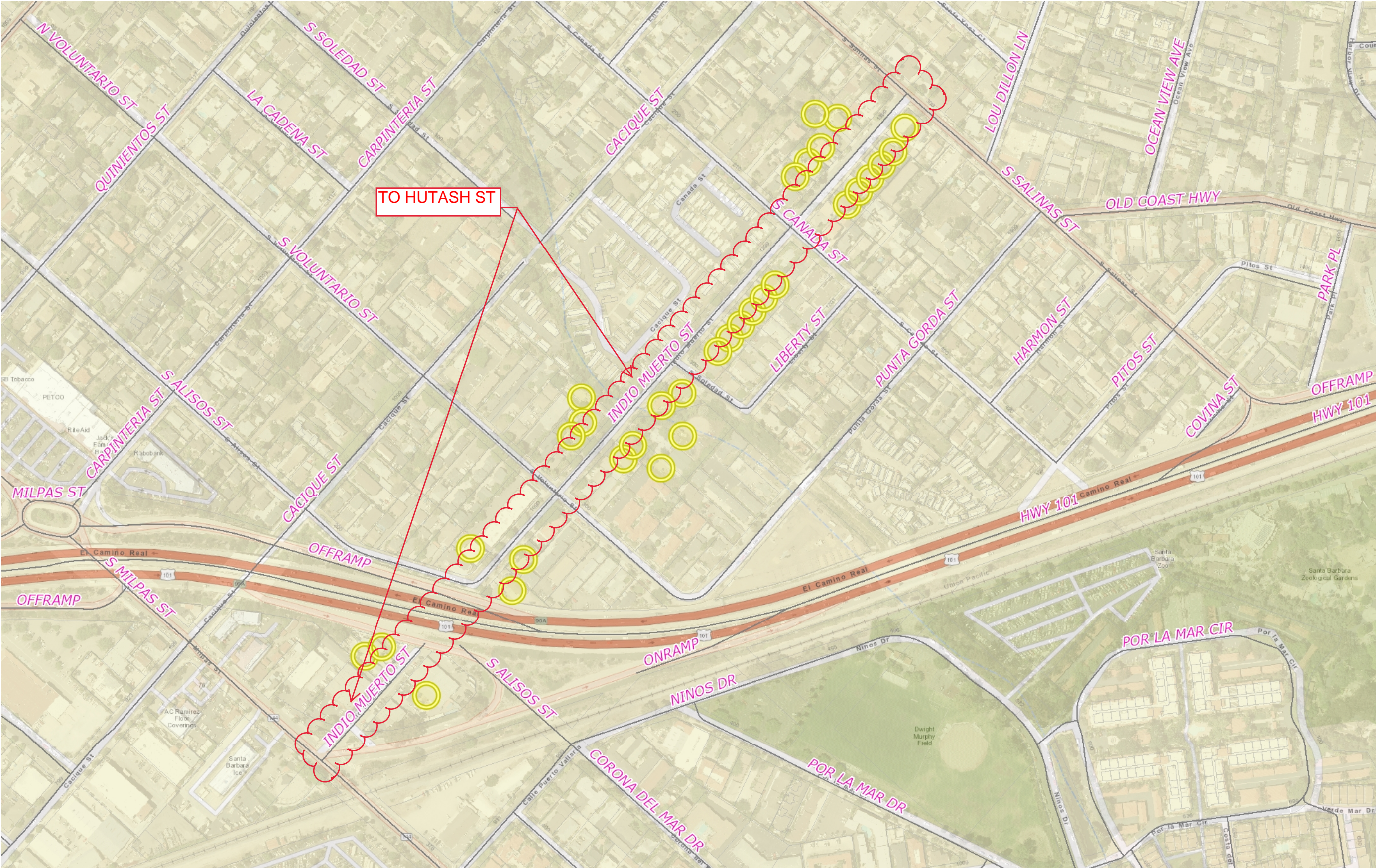
SECTION 2. All of Indio Muerto Street located between South Salinas Street and South Milpas Street is and hereafter shall be changed to Hutash Street, as shown on the attached Exhibit A.

SECTION 3. The Clerk and City Engineer is directed to notify of such change in name by mailing a copy of this resolution and an address letter to the City Police, Fire, Public Works, Community Development Departments, the United States Postal Service, commercial package delivery services, the County of Santa Barbara, public utility companies, and to each of the owners of properties (to both situs and mailing address) which abut the area of the street that is renamed, as such owners appear on the latest available County Assessor's records of Santa Barbara county.

SECTION 4. In order to give property owners an opportunity to make adjustments for this change in name, this resolution shall not take effect or be operative until December 14, 2020.



EXHIBIT A - Indio Muerto St to Hutash St



- Legend**
- City Limits
 - Assessor's Parcels - City
 - Street Centerlines
 - 2015 Aerial Imagery
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - World Street Map

1: 4,000



666.667 0 333.333 666.667 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of Santa Barbara
Reported on 09/16/2020 10:55 AM

MAP DISCLAIMER

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Notes

From: [Kunjal Patel](#)
To: [City Clerk](#)
Subject: Renaming of Indio Muerto Street (29SEP20) - COMMENTS
Date: Tuesday, September 22, 2020 10:25:37 AM

EXTERNAL

Hello,

I would like my comments to be read aloud and kept as part of the record during the City Council meeting on the topic of renaming of Indio Muerto Street on 29SEP20.

There should be no question that the street, horrifically named: Indio Muerto should be renamed to something that is HONORING the native tribal land and people. We as a society have stolen their lands and their lives and yet somehow think it's appropriate to glorify that through naming a street this disgusting name?! No, we need to be better. We cannot change the past, but we can start by removing any racist and vile nod to murdering and destroying an entire people and land. I would like to see the street renamed to **Hutash Street**. Hutash in Chumash means Mother Earth. And there is no better name than the Earth we need to live and survive on in the native tribal language of the people who were here well before our time.

Thank you,
Kunjal Patel

Santa Barbara Resident, 93110

--

Kunjal Patel

"If they give you ruled paper, write the other way" -JRJ

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Update On City's Economic Development Efforts

RECOMMENDATION:

That Council review and comment on the City's economic development efforts in response to the COVID-19 pandemic and preparation of the City's Economic Development Strategic Plan.

DISCUSSION:

Introduction

The City, even prior to the pandemic, has increased its focus on economic development and downtown revitalization efforts. In 2019, with a focus to further the City's economic development efforts, Council approved the creation of an Economic Development Manager position (ED Manager). The position was nationally recruited and filled on March 30, 2020 by Jason Harris, who served previously as the ED Manager for the City of Santa Monica and held a similar position for the City of Phoenix, Arizona.

This report will highlight the City's business assistance in response to the COVID-19 pandemic and initial partnerships to provide business support and address the increasing commercial property vacancy in downtown. Additionally, the initial outline and effort to prepare an economic development plan will be introduced.

COVID-19 Business Assistance Response

Due to the COVID-19 pandemic, Governor Newsom issued a stay at home order on March 19, 2020 which required the closure of the majority of the City's businesses and all other civic, academic and cultural activities. This closure of the state and local economy was unprecedented and had significant impacts. For several months only essential businesses were allowed to operate and even then with numerous restrictions. The City

took early action to respond to the financial challenges in recognition that the majority of downtown businesses and the City's lodging businesses were closed and downtown area employees were not commuting.

On April 7, 2020, Council authorized the suspension and waiver of the first quarter (January-March) 2020 Parking and Business Improvement Area (PBIA) assessments for businesses located in the PBIA area. Similarly, Council approved the suspension of all monthly and commuter parking permit billing of downtown employees until downtown parking was reopened. Lastly, Council authorized the deferral of the transient occupancy tax and tourism business improvement district assessment payments for the City's lodging businesses.

Additionally, recognizing the breadth and severity of the pandemic's impact to the City's economy and business community, Mayor Murillo convened a COVID-19 Business Advisory Task Force comprised of twenty business owners and business organization representatives in April. The task force met weekly and quickly developed a number of recommendations to help businesses reopen and survive. The task force recommended the City allow the closure of streets and public right of way and use of private property for temporary outdoor dining areas and initiate improvements to City's building permitting processes. The task force met up until the end of July and staff plan to reconvene and update the task force with major updates on the City's responses to the pandemic as needed.

On May 19, 2020, the City Council authorized the City Administrator to utilize his emergency authority to temporarily close State Street and on-street parking to create a pedestrian promenade for the public and to allow food service businesses to establish temporary outdoor dining areas within the street and sidewalk. The Council also directed staff to prepare an Emergency Economic Recovery Ordinance that would enable the temporary suspension of regulations to allow temporary outdoor commercial uses on private property as well as on public parking areas and the public right of way. Ten blocks of State Street were closed on Friday, May 22 from Haley Street to Sola Streets creating a temporary pedestrian promenade and outdoor dining areas. The timing was fortuitous as the County issued a public health directive on May 21 which allowed outdoor dining and retail business to reopen. The date of these actions also coincided with the start of the summer season with Memorial Day weekend.

On May 27, 2020 Council adopted an Emergency Economic Recovery Ordinance No. 5944 to allow City-wide the temporary closure of streets, on-street parking, public parking as well as temporarily suspend the regulations to allow commercial uses within the public right of way and on private property to support the reopening of the City's economy and establish the term of the ordinance to expire on September 8, 2020. On August 11, 2020, due to the ongoing public health restrictions on business activity, Council authorized the extension of the term of the Emergency Economic Recovery Ordinance for three months until December 8, 2020 and provided a three month extension until March 8, 2021 if the public health orders were still in effect as well as extending the hours of operation of the

outdoor dining areas for the Central Business District, Funk Zone and Coast Village Road commercial districts.

The City also responded to the proposal from the Hispanic Chamber of Commerce to temporarily close one block of San Andres Street to support the businesses on that block. Per the Council directive to be flexible and nimble, the City also closed the 00 block of West Victoria to facilitate a number of food service businesses on that block to establish outdoor dining areas. The City also reduced travel lanes on the 400 block of State Street to accommodate parklets for the businesses on that block and assisted in the creation of numerous parklets throughout the City supporting businesses to reopen under the restrictions of only being able to operate outdoors. The collective response from the community was overwhelmingly supportive of the State Street promenade and enjoyment of the newly established parklets throughout the City. Staff continues to assist businesses throughout the City create temporary outdoor business operations.

On June 23, 2020, Council formed a State Street Subcommittee to facilitate the visioning process for the future of State Street. The subcommittee provided direction to staff to commence a public outreach effort with the public, boards and commissions, and various stakeholder organizations to gather input into the uses, experiences and ideas for the future of State Street. Staff will coordinate with the State Street Subcommittee to provide updates and potential recommendations for Council's consideration this fall/winter.

Additionally, Council committed \$25,000 in the Fiscal Year 2020 – 2021 budget to the newly formed Santa Barbara South Coast Chamber of Commerce to provide economic development assistance including business attraction efforts to address downtown commercial vacancies, business retention efforts of businesses throughout the City, and advocacy efforts with downtown property owners.

At the September 15, 2020 Council meeting, Council approved the use of \$50,000 for a matching grant program with the Santa Barbara Foundation called Santa Barbara Better Together. The City's commitment leveraged a small amount of federal CARES Act funding with a matching amount of philanthropic support from the Santa Barbara Foundation to provide \$100,000 for small business grants to assist in small business's reopening and recovery.

Lastly, the City's Emergency Services Manager has coordinated the creation of RISE (Reopening in a Safe Environment) Advisor Volunteers, which has trained the City's Emergency Operation Center volunteers regarding the County's RISE requirements for reopening and operating under the State industry guidance. The RISE Advisor Volunteers will begin reaching out to Santa Barbara business in October to ensure they have completed the necessary documentation to reopen with the public health protocols in place.

Economic Development Program

The City did not have a position formally dedicated to economic development until this spring, after Council authorized the creation of the position in 2019. The City of Santa Barbara was like many smaller California communities that principally relied the City's Redevelopment Agency to advance the City's economic interests. However, since the State ended California's Redevelopment Agencies, the City has relied on a number of key staff in various departments to provide business assistance and coordinate with business organizations. The City has been fortunate to have a number of very experienced and talented employees who have been involved in supporting the City's economic development efforts including Rob Dayton, Transportation and Parking Manager in Public Works; Nina Johnson, Senior Assistant to the City Administrator in the City Administrator's Office; and Marck Aguilar, Business Liaison in the Community Development Department. These staff have played a critical role in supporting businesses organizations and community partners to advance special events as well as support development projects and manage business assistance programs.

These experienced City staff along with the ED Manager and other staff in various departments have been instrumental in implementing the City's economic recovery efforts in assisting businesses reopen and survive in response to the COVID-19 pandemic as noted earlier in this report. Santa Barbara was one of the first communities in California to close streets to allow for temporary outdoor business operations. As such, the City was able to facilitate the reopening of hundreds of businesses and provide services and amenities to residents and visitors for the summer season. However, local businesses have had to face multiple disasters over the past several year with the Thomas Fire and subsequent debris flow. A multidepartment team of staff is working diligently with the various business organizations and City departments to provide assistance and response to businesses reopening needs, the establishment and management of the temporary outdoor business areas throughout the City as the business community slowly reopens and recovers.

Additionally, the Economic Development Manager has provided assistance to the Public Work Department in management of the commercial lease involving a downtown cinema tenant and is overseeing the newly established business assistance partnerships with the chambers of commerce and Santa Barbara Foundation. The ED Manager is also managing the City's website and communications related to temporary outdoor business areas, assisting on various redevelopment projects, and assisting the City's Business Liaison respond to businesses reopening inquiries.

Over the coming months the ED Manager will be working with community and business organizations in the continued response to assisting business recovery that will in time transition to a focus on reinvestment and revitalization. In recognition that businesses, commercial property owners, and other economic interests will have needs and interests that cannot be served solely by the City, a variety of business organizations will be key to successfully responding to the wide range of needs to move the City forward into

revitalization. Furthermore, one of the primary goals established for the ED Manager was the creation of an Economic Development Strategic Plan (Strategic Plan) that will establish economic development goals and objectives for the City which will create a roadmap for implementing, coordinating, and supporting the City's economic development activities.

The City has a number of partnerships already established and newer relationships being built with organizations such as the Santa Barbara South Coast Chamber of Commerce, Downtown Santa Barbara, Santa Barbara Hispanic Chamber of Commerce, Economic Development Collaborative, Women's Economic Ventures, SCORE Santa Barbara, Commercial Fishermen of Santa Barbara, Coast Village Road Association, Santa Barbara Foundation, and the Workforce Development Board of Santa Barbara County. There are also a number of other community organizations, stakeholders and individuals involved in supporting the business community in Santa Barbara that will need to be engaged. These partnerships and common interests, working collaboratively with the City, will both help inform and define the Strategic Plan but also define the opportunities and roles that these organizations will have in helping implementing the Strategic Plan's goals and objectives.

The ED Manager will seek business stakeholder organizations input, draft the Strategic Plan this fall and seek Council's feedback to the draft for finalization and adoption of the plan this winter/early Calendar Year 2021. The Strategic Plan will establish an economic vision for the City and provide an action plan with goals and objectives over a three year period from 2021 to 2024 that the City, stakeholders and community partners can implement and achieve.

The Strategic Plan will build from recent studies and recommendations laid out in the 2019 Kosmot Companies Report, the 2018 Downtown Revitalization Strategies, the 2017 Downtown Retail Strategy and will support the goals and policies included in the Economy and Fiscal Health section of the City's General Plan.

The following goals will form the foundation of the Strategic Plan:

- Cultivate a Business Friendly City Hall
- Support the Creation and Expansion of Businesses and Jobs
- Revitalize Downtown as a Hub of Retail, Entertainment and Culture

Tactical objectives and performance metrics will be defined for each of the three foundational goals and will be reviewed and updated annually as needed. These efforts will address the basic expectations of economic development: creating and retaining jobs, supporting and growing incomes, and the City's tax base. The successful economic development outcomes will produce the following community benefits:

- Increased Tax Base – supports, maintains, and improves local infrastructure, such as roads, parks, libraries, and public safety services.
- Job Creation – provides better wages, benefits, and opportunities for advancement.

- Enhanced Quality of Life – improvements to the City's downtown and public spaces enhances the community's enjoyment of the amenities and attributes so abundant in the central business district.

With Council's support and direction, staff will proceed with the initiatives as highlighted and the development of the City's Economic Development Strategic Plan.

PREPARED BY: Jason Harris, Economic Development Manager

SUBMITTED BY: Paul Casey, City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Energy and Climate Division, Sustainability & Resilience Department

SUBJECT: Climate Action Plan Update And Resolution To Adopt Greenhouse Gas Emissions-Reduction Target

RECOMMENDATION: That Council:

- A. Receive an update on the City's Climate Action Plan; and
- B. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting a Goal of Carbon Neutrality for the Santa Barbara Community by 2035.

EXECUTIVE SUMMARY:

In response to the most recent findings of climate scientists, the City is updating its Climate Action Plan (CAP), which will outline a robust set of strategies to reduce greenhouse gas (GHG) emissions locally. Over the next year, an interdepartmental team of staff will work closely with the community to evaluate and develop innovative and actionable strategies to measurably reduce GHG emissions in Santa Barbara.

On July 30, 2020, the Council Sustainability Committee voted unanimously to forward a target of carbon neutrality by 2035 to Council for adoption. Such a target will demonstrate bold leadership and Santa Barbara's commitment to addressing the climate emergency.

Reaching carbon neutrality means that GHG emissions are reduced to zero by reducing and offsetting GHG emissions. Achieving carbon neutrality is ambitious, will be difficult to achieve, and will require direct and significant coordination between the City and community, but setting such a strong goal will result in clear and decisive commitment.

DISCUSSION:

Background

Scientists resoundingly agree that GHG emissions from human activities are driving climate change, are continuing to rise, and are causing irreparable damage to the global

ecosystem. Without immediate action, the world's average surface temperature will rise over 3 degrees Celsius above pre-industrial levels by the end of the next century.

Current impacts of climate change in Santa Barbara include changing weather patterns, increased wildfire activity, prolonged drought, and more frequent extreme weather events. Without intervention, climate change will also cause more frequent and severe heat waves, coastal flooding and beach loss, air and water pollution, changes in pest and vector transmission, disruptions in the agriculture/food/water supply, stresses on infrastructure, effects on wildlife and habitats, and adverse impacts on local economies such as tourism and fisheries. Furthermore, the impacts of climate change are not equally felt; the poorest and most vulnerable sectors of the population are affected most acutely.

According to the science, the global temperature rise must be limited to 1.5 degrees Celsius in order to avoid the worst effects of climate change and ensure a more sustainable, resilient, and equitable society. According to the Intergovernmental Panel on Climate Change (IPCC), this goal will only be achieved with rapid, far-reaching, and unprecedented changes across all aspects of society.

The City is uniquely positioned to lead these changes with its rich environmental heritage, engaged community, and dedicated Council. With uncompromising and focused action, Santa Barbara will forge a path toward carbon neutrality that will be scalable, replicable, and demonstrate a strong commitment to climate action.

Climate Action Plan Update

A CAP sets local GHG emission-reduction targets, establishes a roadmap of specific actions for achieving those targets, and provides environmental review streamlining.

In 2012, the City became one of the first communities in California to adopt a CAP. The 2012 CAP was developed to offset GHG emissions from growth envisioned in the 2011 General Plan update, which anticipated a significant increase in GHG emissions from increased fuel use and energy consumption in buildings. The 2012 CAP established two targets that mirrored State and regional targets existing at the time, refined the 2011 General Plan GHG analysis to include State actions, and developed 100 strategies to reduce GHG emissions and adapt to climate change. The 2012 CAP determined that the City had already achieved its targets, and growth envisioned in the 2011 General Plan would not create significant GHG emissions.

Since adoption of the 2012 CAP, new GHG data has been developed, understanding of climate change science has evolved, new global and regional partnerships have been established, the targets in the 2012 CAP were superseded, and new best practices have been established. As a result, staff began a CAP update to establish a new target, to calculate new GHG emission scenarios, and to develop new GHG emission-reduction strategies, with an enhanced focus on environmental justice and protecting vulnerable communities.

The CAP update includes a robust outreach plan to ensure that the community plays an active role in identifying opportunities for emission reductions and in contributing to solutions. The outreach plan is tailored to the realities of the pandemic and features a variety of strategies and formats, including:

- **Website Enhancements** – a centralized information hub with easy to understand content and informational videos.
- **Idea Expositions** – open forums to discuss opportunities and solutions.
- **Surveys** – a means of getting baseline information and gauging the community’s level of interest in and knowledge about climate issues.
- **Themed Workshops** – stakeholder and expert teams working to develop actionable solutions.
- **Climate Chats** – open virtual “office hours” where City staff will host open and curated conversations about climate issues in Santa Barbara.
- **One-on-One Interviews** – available by appointment, staff will speak with anyone who is not available or comfortable participating in the options above. These interviews will target harder-to-reach community members and will be available in multiple languages.
- **Youth Stories** – a youth engagement strategy that will harness the imagination of local youth to envision a sustainable and resilient Santa Barbara.

The initial phase of the outreach plan will begin this fall, with a draft of the updated CAP circulated for public review in 2021.

Choosing a Target

As mentioned above, the targets included in the City’s existing 2012 CAP were superseded; therefore, a new target must be determined to establish the trajectory of the CAP update and identify appropriate GHG emission-reduction strategies.

Given the state of the climate emergency, staff recommends that Council adopt a carbon-neutrality target to demonstrate purposeful leadership. Reaching carbon neutrality means that GHG emissions are reduced to zero, through reducing and offsetting GHG emissions. Achieving carbon neutrality is ambitious and challenging, and requires direct coordination between the City and community for activities such as retrofitting existing buildings, improving the energy efficiency of new buildings, shifting vehicle use to sustainable modes of transportation, reducing waste, conserving water, and expanding open space and tree planting for carbon sequestration.

In 2018, Governor Brown established a 2045 state-wide goal of carbon neutrality. Many businesses and local jurisdictions have committed to targets similar to the State’s goal, with target years ranging from 2035 to 2050. For example, the City of San Luis Obispo has committed to achieving carbon neutrality by 2035, and has developed a comprehensive CAP to achieve (or nearly achieve) that goal.

Additionally, on July 30, 2020, after receiving a staff presentation on potential GHG targets, the Council Sustainability Committee voted unanimously to forward a target of carbon neutrality by 2035 to Council for adoption, expressing the desire for a bold, quick, and decisive leadership.

BUDGET/FINANCIAL INFORMATION:

The CAP team aims to complete the plan internally with an interdepartmental staff team. Staff plans to use existing appropriations in the Energy Management Fund for these initial planning efforts.

SUSTAINABILITY IMPACT:

Establishing a carbon-neutrality target and developing a CAP to meet that target will yield substantial GHG emission-reduction benefits and ancillary benefits to local sustainability and resilience.

ENVIRONMENTAL REVIEW:

Staff has determined that the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment). Section 15308 allows for actions taken by regulatory agencies to ensure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

PREPARED BY: Alelia Parenteau, Energy & Climate Manager/bm

SUBMITTED BY: Rebecca J. Bjork, Acting Sustainability & Resilience Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA ADOPTING A GOAL OF CARBON
NEUTRALITY FOR THE SANTA BARBARA COMMUNITY
BY 2035.

WHEREAS, there is scientific consensus regarding the reality of climate change and the connection between greenhouse gas emissions and warming of the planet; and

WHEREAS, greenhouse gas emissions and resulting climate change impacts pose a direct threat to human and environmental health globally through increased air and water pollution, potential sea level rise, climate-driven drought and extreme weather events, and accelerated loss of species and habitats; and

WHEREAS, the City recently released a draft Sea Level Rise Adaptation Plan that outlines forecasted implications of sea level rise related to climate change; and

WHEREAS, the City is already experiencing the effects of more extreme weather events including wildfires, drought, debris flows, and extreme heat days often attributed to climate change; and

WHEREAS, the State of California is increasingly encouraging the reduction of greenhouse gas emissions and promoting carbon neutrality through legislation and policy implementations; and

WHEREAS, in 2012, the City adopted a Climate Action Plan that established a community-wide carbon emission-reduction target for 2020 and a per capita vehicle carbon emission-reduction target for 2030, and these targets have already been met;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The City establishes a goal of carbon neutrality for the entire City of Santa Barbara community by 2035.

SECTION 2. By December 31, 2021, the City's interdepartmental Climate Action Plan Team will present to Council a Climate Action Plan, including strategies, implementation pathways, financial resources needed, and associated timeline and milestones to achieve the goal.

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CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 29, 2020

TO: Mayor and Councilmembers

FROM: Airport Department
Public Works Department
Waterfront Department

SUBJECT: Automated License Plate Recognition Policy For City Operated Off-Street Parking Facilities

RECOMMENDATION:

That Council approve a policy that governs the use of Automated License Plate Recognition systems for the management of off-street parking operations in City facilities.

EXECUTIVE SUMMARY:

The Airport, Public Works, and Waterfront Departments have jointly developed a written policy governing the use of Automated License Plate Recognition (ALPR) systems for management of parking operations in City facilities, pursuant to the requirements under California Civil Code Section 1798.90.51. The proposed policy outlines Department processes for using ALPR systems and data to manage City parking facilities. The policy also ensures that the collection, management, use, maintenance, and dissemination of ALPR information is protective of individuals' privacy, security, and civil liberties to the limit allowed under the law.

DISCUSSION:

The City of Santa Barbara manages 7,360 parking spaces in its lots located at the Waterfront, Airport, and within the Downtown corridor. Departments use access and revenue control systems to collect parking fees, control lot access, and ensure customer compliance with rules and regulations. Parking technology is advancing rapidly, and most new Parking Access and Revenue Control Systems (PARCS) and enforcement systems incorporate ALPR technology to optimize the collection of revenue and enhance the customer experience.

An ALPR-equipped PARCS uses specialized cameras to capture images of license plates. These images are fed through programs that use character recognition algorithms to convert the images into computer-readable data that is stored in a database, which can then be used for many different applications. In parking lots, ALPR technology is typically

used for access control, revenue collection, and improved customer service. Mounted cameras capture license plate data as vehicles enter and prior to exiting the parking facility. The data captured upon entry and exit is used by the system to calculate the fee due or automatically lift the gate if the vehicle is within the complimentary period. The ALPR system can also allow parking permit holders to pass into and out of lots without having to pull entrance tickets or pay fees upon exit. The license plate number takes the place of the traditional access card, hang tag, or permit sticker.

ALPR systems can improve customer service and parking management by:

- Reducing customer wait times at entrance and exit;
- Reducing or eliminating customer penalty charges for lost tickets;
- Improving revenue collection by preventing abuse of complimentary parking periods;
- Improving management of permit parking programs and creating a simpler, more efficient permitting process for customers;
- Simplifying revenue recovery and billing for customers unable to provide payment upon exit; and
- Facilitating the use of mobile payment options.

California Civil Code 1798.90.51 requires the City, as a public ALPR operator, to adopt a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy, security, and civil liberties. Civil Code Section 1798.90.55 also requires that the City provide an opportunity for the public to review and comment on this Policy at a Council meeting.

Accordingly, the Waterfront, Airport, and Public Works Departments have jointly developed a draft City of Santa Barbara ALPR Policy (Policy) to govern any future use of ALPR systems in City parking operations. This proposed Policy is separate from existing policies that govern Police Department uses of ALPR technology. The proposed Policy follows the requirements under Civil Code sections 1798.90.5 to 1798.90.55 by requiring the following:

- **Defines the authorized uses for the ALPR system.** The Policy authorizes City departments to use ALPR in support of parking operations and compliance activities. The Policy prohibits the City from using ALPR data for monitoring individuals, and prohibits the use of ALPR cameras in areas where there is a reasonable expectation of privacy.
- **Specifies which City employees and contractors are authorized to access the ALPR system.** Access to ALPR systems is limited to City staff in the Airport, Public Works, and Waterfront Departments who oversee or are responsible for parking operations and enforcement.

- **Outlines training requirements for City staff authorized to access the ALPR system.** The Policy requires all authorized users of ALPR systems to receive training prior to being granted system access, and refresher training each year thereafter.
- **Describes how ALPR systems will be monitored to ensure the security of information and compliance with applicable privacy laws.** The Policy requires ALPR systems to store information about all logins and data queries. These data points will be monitored and periodically audited by the Department's designated Program Manager to ensure access to the data is made by authorized persons for authorized uses only.
- **Defines the purposes of, processes for, and restrictions on the sale, sharing, or transfer of ALPR information to other persons or agencies.** The Policy prohibits the sale, publication, exchange, or disclosure of ALPR data for commercial purposes, the unauthorized disclosure or publication of ALPR data, and the dissemination of ALPR information to unauthorized persons. The City will provide ALPR data to Federal, State, or local law enforcement agencies only if a warrant or subpoena is issued.
- **Defines the title of the official custodian, or owner, of the ALPR system responsible for implementing Civil Code requirements for ALPR systems.** The Policy designates the Program Manager in each department as the official custodian of that Department's ALPR system, and assigns responsibility for implementing Civil Code requirements to that individual.
- **Describes the reasonable measures used to ensure the accuracy of ALPR information and correct data errors.** The Program Manager or their designee will review ALPR data for accuracy and correct license plate translation errors when identified. Authorized staff will confirm the computer translation of license plate characters prior to taking any action, such as applying fees or penalties, based on ALPR results.
- **Describes the length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.** The Policy requires the City or their vendors to purge ALPR data after 30 days, unless otherwise required to be maintained longer by law.

At its September 10, 2020 meeting, the Downtown Parking Committee (DPC) received a staff report on the proposed ALPR Policy. The public also had the opportunity to comment on the Policy. The DPC recommended that the Policy be forwarded to Council for review and adoption with a modification to clarify that disclosure of ALPR data to all law enforcement agencies requires a warrant or subpoena. This change has been incorporated into the draft.

ATTACHMENT: City of Santa Barbara Automated License Plate Recognition Policy

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Brian D'Amour, Acting Public Works Director
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APPROVED BY: City Administrator's Office

City of Santa Barbara

Automated License Plate Recognition Policy

What is it: Automated License Plate Recognition (ALPR) technology utilizes cameras to capture and store digital images of license plates, and uses character recognition algorithms to identify license plate characters. An ALPR system creates a searchable computerized database resulting from the data collected by fixed cameras located at the entrance/exit of numerous City-operated public parking lots, and vehicle-mounted or handheld cameras for on-street parking spaces designated as priced or paid parking. ALPR system data includes license plate number as well the date, time, and location when the image was collected.

Purpose: The purpose of this policy is to define the City's appropriate use, maintenance, collection, security, and retention of all ALPR information, and the authorized users of the City's ALPR technology, in compliance with all applicable federal, state, and local laws. This policy is separate from any ALPR technology used by the Santa Barbara Police Department (SBPD). The SBPD maintains their own policy for ALPR.

The City of Santa Barbara utilizes ALPR technology to capture, analyze, and store digital license plate data and images to enable the rapid identification of vehicles in support of parking operations and compliance activities. ALPR shall supplement or replace paper tickets to log the times at which a vehicle enters or exits a City parking lot in order to determine the fee due upon exit. ALPR and customer license plate data shall also supplement or replace proximity access cards and permit stickers to grant lot entry to monthly and annual parking permit holders.

License plate information paired to vehicles entering City-operated public parking lots is used to improve access control and the enforcement of City parking ordinance violations in the lots that utilize ALPR. For example, information on vehicles coming into a lot is anonymized and aggregated to analyze various metrics including parking patterns, permit-type usage, and compliance.

Restricted Uses: The City only uses ALPR technology to collect license plate data within public view. The City does not use ALPR technology for the purpose of monitoring individual activities that are otherwise protected by the First Amendment to the United States Constitution. The cameras shall not be used in areas where there is a reasonable expectation of privacy, and shall not be used to harass, intimidate, or discriminate against any individual or group.

Training: Pursuant to California Civil Code Section 1798.90.51(b), all authorized users shall receive training prior to being granted access to an ALPR system and data. A record of all completed training is maintained by the respective City departments. ALPR operators receive initial training from the vendor providing the ALPR software and hardware. The training includes the procedure and proper use of the system prior to being granted access to an ALPR system. In addition, each user also receives an annual refresher training from the Program Manager or designee. The training includes:

1. Applicable federal and state law;
2. Functionality of the equipment; and
3. Safeguarding of password information, access to ALPR systems, and ALPR information.

Access: Authorized users with access to ALPR data shall include staff with a City operational need to specifically oversee such a system and/or are responsible for parking operations and enforcement within City Departments including Public Works, Waterfront, and Airport, as well as City-contracted parking operations and enforcement vendors. The Program Manager for each City Department employing an ALPR system is the custodian and head administrator of its ALPR systems and their operation. The only individuals with access and the ability to query data in the system are:

- Program Manager, and their designee(s);
- Parking Supervisors;
- Parking Coordinators;
- Parking Resources Specialist;
- Parking Office Specialist;
- Waterfront Operations Manager;
- Downtown Plaza and Parking Manager;
- Harbor Patrol Supervisor;
- Airport Patrol Supervisor;
- Harbor Patrol Officers; and
- Airport Patrol Officers.

All logins and queries are stored and monitored, and contain the following information:

- Username;
- Date;
- Time;
- Purpose of query; and
- License plate and other criteria used to query the system.

This data shall be stored and monitored by each respective Department's Program Manager, Harbor Patrol, Airport Patrol, Parking Services, and Parking Operations staff. License plates are only referenced against the respective Department's Annual Parking/Parking Permit vehicle database, and tickets generated at the entrance columns.

The Program Manager or their designee also run periodic audits to ensure access to the

data was made by authorized persons for authorized uses.

Information Collected: The following information may be collected by the ALPR system:

- License plate image captured;
- License plate number;
- License plate state;
- Date;
- Time; and
- Location.

Information Stored & Data Retention: ALPR data shall be sent to and stored in the ALPR vendor's regional database. The database stores license plate numbers of monthly and annual parking permit holders and hourly customers. This information is used by the ALPR system to allow permit holders to gain entry to the City parking lot for which their permit is valid and to exit without having to provide payment. The permit holder's license plate number is used to supplement or replace proximity access cards, plastic hang tags, stickers, and other permit materials. Routine data collection shall not be stored beyond 30 days, except when lawfully required to by subpoena or court order. After 30 days, the vendor shall purge routine data records. The data records stored on the regional ALPR server include photographs of the vehicle (close-up of the license plate and context photo of the rear of the vehicle), and accompanying license plate number, date, time, and location in the field; such records do not directly identify a particular person.

Security: The City of Santa Barbara uses administrative, operational, technical and physical safeguards to protect ALPR information from unauthorized access, use, destruction, modification or disclosure including the following safeguards:

- **Administrative:** Username and password-protected access to the ALPR system. The system shall document all information access by username, and the database usage shall be monitored and audited.
- **Operational:** Training system users on proper use and secure practices when using ALPR and its database.
- **Physical:** All network equipment and servers containing sensitive data are maintained in a secure off-site location, and accessed only by authorized personnel. This includes the secure storage of computers with access to the off-site database.
- **Technical:** All information is encrypted to protect any personally identifiable information. ALPR system workstations and servers shall be updated with the latest security patches on a regular basis. ALPR data shall be secured, encrypted, and backed up regularly.

In the very unlikely event of an information breach that constitutes a violation under California Penal Code Section 502, all individuals who are believed to be affected or have their information compromised shall be notified by the City of Santa Barbara, via the affected City Department(s) pursuant to the notification requirements under the

California Civil Code.

Quality Assurance: Collection of ALPR is automated so the license plate images and details of collection are included in the system without review. Although infrequent, license plate translation may be incomplete or inaccurate. The Program Manager or their designee ensure accuracy and correct license plate translation errors when identified. Users also confirm the computer translation prior to taking any action based on ALPR results.

Releasing ALPR Data: The City does not share ALPR information with any commercial or private entity, other than City parking contractors and enforcement vendors, as necessary to conduct City parking operations. The City includes confidentiality provisions in its agreements with any parking contractors and/or vendors to prohibit any use or distribution of ALPR information for any purpose other than the authorized Uses under this Policy. Information gathered or collected and records retained by the City of Santa Barbara must not be:

- Sold, published, exchanged, or disclosed for commercial purposes.
- Disclosed or published without authorization.
- Disseminated to persons not authorized to access or use the information.

The City shall provide ALPR data to a federal, state, or local law enforcement agency or any other public agency only if a warrant or subpoena is issued and served. In addition, information gathered shall not be disclosed to the public unless such disclosure is required by law or court order.

Requests for Images from Members of the Public: Persons that have a subpoena or preservation letter, and are interested in requesting ALPR, are directed to the Santa Barbara City Clerk's Office. Persons that do not have a subpoena or preservation letter, and are interested in requesting ALPR data are also directed to the Santa Barbara City Clerk's Office.

Enforcement: Violation of this Policy by a City employee, contractor, or other authorized user, may lead to suspension or termination of that user's access to the ALPR system.